

ALABAMA LAWS

(and Joint Resolutions)

OF THE

LEGISLATURE OF ALABAMA

PASSED AT THE

ORGANIZATIONAL SESSION 1955

FIRST EXTRAORDINARY SESSION 1955

SECOND EXTRAORDINARY SESSION 1955

REGULAR SESSION 1955

IN TWO VOLUMES

Vol. II



WITH AN INDEX PREPARED BY THE

LEGISLATIVE REFERENCE SERVICE

SKINNER PRINTING COMPANY
PRINTERS-BINDERS
MONTGOMERY, ALABAMA

Act No. 308

S. 193—Messrs. Metcalf, Bradford, Coleman, Leonard, Reeves, Cooper, Lamberth, Davis (Lowndes), Givhan, Flowers, Engelhardt, Newton, Eddins, Jones, Van Antwerp, Robison, Grisham, Cantrell, Allen, Dyar, Roberts, Calvin, Little, Davis (Pickens), James, Skidmore, Yarbrough (Autauga), Vann, Moses, Boutwell and Shelton

AN ACT

To provide for the issuance of distinctive motor vehicle license plates or tags to members of the National Guard and Air National Guard of Alabama upon the payment of an additional sum of \$1.00 for use by such persons upon their personally-owned, private, passenger vehicles in lieu of the standard license plate or tag now required; and for the use of such distinctive plates by the State Military Department.

Be It Enacted by the Legislature of Alabama:

Section 1. In recognition of the many and varied patriotic services rendered the State and the citizens thereof by the National Guard and Air National Guard of Alabama, members thereof, including both enlisted and officer personnel, may, upon application and subject to the provisions of this act, be issued annually distinctive motor vehicle license plates or tags identifying these persons with such organizations. The distinctive plates or tags so issued members of these organizations shall be of such color and design as may be agreed upon by the Adjutant General and the Commissioner of Revenue and shall bear the words "National Guard" and need not bear prefixed numbers identifying the county of issuance. The words "Heart of Dixie" need not be placed on such plates or tags.

Section 2. The distinctive license plates here provided for shall be prepared by the Commissioner of Revenue and shall be issued through the judge of probate or license commissioner of the several counties of the State in like manner as are other motor vehicle license plates or tags and such officers shall be entitled to their regular fees for such service. Applicants for such distinctive plates shall present to the issuing official proof of their membership in the National Guard or Air National Guard of Alabama by means of certificate signed by the commanding officer of such applicant on forms prescribed by the Adjutant General of Alabama. Such applicant shall pay to the issuing official, in addition to the regular license tax now pre-

scribed by law, an additional sum of \$1.00 which amount when so collected shall be remitted to the State of Alabama in like manner as are other monies so accruing to the State from the sale of motor vehicle licenses to be used in defraying the cost of manufacture of such distinctive plates. The distinctive license plates or tags so issued shall be used only upon and for personally-owned, private, passenger vehicles (to include station wagons and pick-up trucks) registered in the name of the member of the National Guard and Air National Guard making application therefor, and when so issued to such applicant shall be used upon the vehicle for which issued in lieu of the standard license plates or license tags normally issued for such vehicle. In addition to use of such distinctive license plates or tags on such personally-owned vehicles, such distinctive plates or tags may be used on State-owned vehicles operated by the State Military Department provided the prefix "S" is placed ahead of the number thereon. Motor vehicles for which so issued shall be registered by the proper official as are other motor vehicles.

Section 3. The distinctive license plates issued hereunder shall not be transferable as between motor vehicle owners and in the event the owner of a vehicle bearing such distinctive plates shall sell, trade, exchange or otherwise dispose of same such plates shall be retained by the owner to whom issued and by him returned to the judge of probate or license commissioner of the county who shall receive and account for same in the manner stated below. In the event such owner shall acquire by purchase, trade, exchange or otherwise a vehicle for which no standard plates have been issued during the current license year the judge of probate or license commissioner of the county shall, upon being furnished by the owner thereof proper certification of the acquisition of such vehicle and the payment of the motor vehicle license tax due upon such vehicle, authorize the transfer to said vehicle of the distinctive license plates previously purchased by such owner, which plates shall authorize the operation of said vehicle for the remainder of the then current license year. In the further event the owner of such distinctive plates shall acquire by purchase, trade, exchange or otherwise a vehicle for which standard plates have been issued during the current license year the judge of probate or license commissioner shall, upon proper certification of such owner and upon delivery to such official of the standard plates previously issued for such vehicle, authorize the owner of such newly-acquired vehicle to place the distinctive plates previously purchased by him upon such vehicle and use same thereon for the remainder of the then current license year. Such notice of transfer of ownership shall be made of record by the judge of probate or the license commissioner.

Provided further, that any person acquired by purchase, trade, exchange or otherwise any vehicle formerly bearing such distinctive plates shall be authorized, upon certification of such fact to the judge of probate or license commissioner of the county and the payment of the fee now required by law, to purchase standard replacement plates for such vehicle which shall authorize the operation of such vehicle by the new owner for the remainder of the license year.

Section 4. Such distinctive plates or tags shall be prepared and furnished for the licensing year commencing October 1, 1956 and annually thereafter. The Adjutant General shall furnish the Commissioner of Revenue annually with an estimate of the number of such distinctive plates or tags required in each of the several counties of the State.

Section 5. The provisions of this act are supplementary to the laws of this State pertaining to the licensing of motor vehicles and nothing herein shall be construed as abridging or repealing any of such laws.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved August 26, 1955.
Time: 2:49 P.M.

Act No. 309

H.J.R. 68—Adams

HOUSE JOINT RESOLUTION

WHEREAS John Thomas Johnson died Thursday afternoon at his home in Reeltown, and

WHEREAS John Thomas Johnson was long an outstanding citizen of Tallapoosa County, and was the father of Representative J. T. Johnson, of Tallapoosa County; now therefore

BE IT RESOLVED by the House of Representatives, the Senate concurring: That the Legislature notes with deep sorrow the death of John Thomas Johnson, and extends sincere sympathy to Representative Johnson and his family for their great loss.

Approved August 29, 1955.
Time: 8:50 A.M.

Act No. 310

H.J.R. 70—deGraffenried, Callahan

HOUSE JOINT RESOLUTION

WHEREAS an opportunity to receive vocational training would assist materially in the rehabilitation of the inmates of

Draper Prison, would provide them with a means of earning a livelihood, and would promote their better adjustment to society upon their release from prison, all of which would redound not only in the welfare of the inmates but also to the welfare of the State of Alabama; now, therefore

BE IT RESOLVED by the House of Representatives, the Senate concurring:

That the State Board of Education is requested to locate at Draper Prison one of the additional trade schools provided for by appropriations or acts of the 1955 Legislature, the curriculum, teachers, and other educational aspects of the school to be under the control and supervision of the State Board of Education, and the custodial needs of the school to be provided by the Board of Corrections.

Approved August 29, 1955.

Time: 8:50 A.M.

Act No. 311

S. 21—Newton

AN ACT

To make an appropriation for the support and maintenance of WALKER COUNTY JUNIOR COLLEGE.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of ten thousand dollars (\$10,000.00) is hereby appropriated annually for each of the fiscal years ending September 30, 1956 and September 30, 1957, from any funds in the State Treasury not otherwise appropriated, for the use and benefit of WALKER COUNTY JUNIOR COLLEGE, located at Jasper, Walker County, Alabama, to be used for the support and maintenance of said college.

Section 2. This act shall become effective on October 1, 1955.

Approved August 29, 1955.

Time: 8:52 A.M.

Act No. 312

S. 215—Mr. Calvin

AN ACT

To regulate further the office of circuit solicitor of the Eighth Judicial Circuit of Alabama: Creating special funds for expenditure by the circuit solicitor in law enforcement and in the conduct of his office.

Be It Enacted by the Legislature of Alabama:

Section 1. All solicitor's fees hereafter taxed as costs and collected in the Eighth Judicial Circuit in accordance with the

provisions of Section 85 of Title 11, Code of Alabama (1940), as amended, shall be paid into the county treasury where the fee is imposed and collected, to the credit of a solicitor's fund, to be used and expended by the circuit solicitor as provided in Section 2 of this Act.

Section 2. The circuit solicitor of the Eighth Judicial Circuit is hereby authorized and empowered to make requisition on the solicitor's fund for the payment of any and all expenses incurred by him for law enforcement and in the proper discharge and conduct of the duties of his office, as he may see fit, except that such requisition for the payment of expenses shall not exceed the amount in said fund, and in no event shall said amount exceed One Thousand (\$1,000) in any one calendar year. The county treasurer or custodian of county funds shall pay out such funds upon requisition of the solicitor.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This bill became an act on August 31, 1955, without approval of the Governor.

Act No. 313

S. 315—Mr. Leonard

AN ACT

Relating to counties having a population of not less than 56,500 nor more than 72,500: Providing for the reidentification of all registered voters; directing the board of registrars to purge the list of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having a population of not less than 56,500 nor more than 72,500, according to the last or any subsequent federal decennial census.

Section 2. The board of registrars, or custodian of the voters' records, is hereby directed to purge all lists of the qualified electors in the county to the end that the names of all who are deceased or non-resident of the county or have otherwise become disqualified from voting therein, shall be removed from such lists and to the end that the name of each qualified elector shall appear only on the list of qualified electors for the district and precinct in which he resides.

Section 3. The board of registrars, or custodian of the voters' records, shall have authority to omit and remove from the

lists of qualified electors in the county the name of any person who fails to reidentify himself in one of the ways hereinafter provided before the first day of October, 1958; provided that no one who has registered as a qualified elector of the county since January 1, 1955, shall be required to reidentify himself. No person, removed from the list of qualified electors as herein provided shall cease to be a qualified elector nor be subject to re-registration, but shall be subject only to the requirement that he reidentify himself as a duly registered elector before being listed on the list of qualified electors in the county.

Section 4. A voter may reidentify himself in any one of the following ways:

(a) A voter may reidentify himself by appearing in person at the office of the board of registrars or the judge of probate or one of the duly authorized employees of the judge of probate and answering such questions and submitting such proof as may be set forth hereinafter to establish the voter's identity and place of legal residence and that the voter has not become disqualified from voting in the county.

(b) A voter may also reidentify himself at any election at which the voter votes prior to October 1, 1958, by answering and signing the questionnaire hereinafter provided for, in the presence of a clerk, manager, inspector, or returning officer at such election who also shall sign the questionnaire as an attesting witness. The returning officer shall transmit each signed questionnaire to the judge of probate for transmittal to the board of registrars.

(c) A voter who is on active duty in the Army, Navy or Air Force of the United States or the husband or wife of a member of the Armed Forces on active duty may also reidentify himself or herself by filling in and mailing to the office of the judge of probate the completed answers to such questions as are set forth in the questionnaire hereinafter detailed, and the voter's signature to such questionnaire must be witnessed by a commissioned officer of the Army, Navy, or Air Force.

The questionnaire shall be in substantially the following form:

VOTERS REIDENTIFICATION QUESTIONNAIRE

..... County, Alabama

Date: _____, 195_____

Name:

(First) (Middle) (Last)

Legal Residence Address:
(Street or Route)

City or Town:

State:

Date of Birth: Sex..... Color.....

I now vote and I am a qualified elector in Precinct or Beat No., and I have not been disqualified from voting in the county.

I have resided in Precinct, Name or Beat No. for the past three months. I vote at.....
Name of Place

Signed:
(Signature of Voter)

State of

County of

Witnessed before me this the day of, 195.....

Registrar—Judge of Probate—Election Official—

Commissioned Officer U.S. Armed Forces.

Section 5. Any qualified elector in the county who shall have his or her name omitted or removed from the list of qualified electors in the county by reason of his or her failure to re-identify himself or herself as hereinabove provided, or his or here name be otherwise purged therefrom, shall be entitled to have his or her name restored to the list of qualified electors by appearing in person and reidentifying himself or herself in person at the office of the board of registrars or judge of probate in the manner hereinabove provided.

Section 6. Any person who makes a willfully false statement in answer to the reidentification questionnaire to the board of registrars or the judge of probate or the duly authorized employees of the judge of probate or to the clerk, manager, inspector or returning officer or to the commissioned officer of the United States Army, Navy, or Air Force shall be guilty of perjury and upon conviction shall be punished by imprisonment in the penitentiary for not less than one year nor more than five years.

Section 7. The court of county commissioners, board of revenue, or like governing body of the county, is hereby authorized and directed to furnish the board of registrars and the judge of probate the supplies, equipment, printed forms, stationery, stamps, clerical help and publicity necessary for the reidentification of voters.

Section 8. The board of registrars shall retain as a public record in the office of the judge of probate for ten years all completed questionnaires, and shall file the same in alphabetical order showing all qualified electors registered by precincts or districts, or other subdivisions thereof, or where any precinct has been divided or subdivided, if not within a city or town, and by wards or other subdivisions, if within a city or incorporated town.

Section 9. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 30, 1955.

Time: 5:30 P.M.

Act No. 314

S.322—Roberts

AN ACT

To regulate further the feeding of prisoners in jail in all counties having a population of not less than 80,000 nor more than 94,000, according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of any county having a population of not less than 80,000 nor more than 94,000 inhabitants, according to the last or any subsequent federal decennial census, shall be entitled to receive the allowances provided for by Sections 144 and 145 of Title 45, Code of Alabama (1940), as amended, for the feeding of prisoners in the county jail, and for preparing and serving such food. On or before the tenth day of each and every month the sheriff shall furnish to the board of revenue, court of county commissioners, or like governing body of Etowah County, and to the Department of Finance and to the Department of Corrections, an itemized statement, verified by affidavit, giving a list of all state and county prisoners by name, race and sex, the offense charged, authority for committing, disposition of prisoner, if sentenced, date committed, date sentenced, date discharged, the number of days in jail. The sheriff shall also set out the amount of money actually expended for purchasing and supplying of all foodstuff for feeding prisoners during the month immediately preceding.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective on the first day of the month commencing after the date of its enactment.

This bill became an act on August 31, 1955, without approval of the Governor.

Act No. 315

S. 323—Leonard

AN ACT

Relating to Talladega County: To authorize the coroner to appoint a clerk, whose compensation shall be paid by the court of county commissioners, board of revenue, or like governing body of the county, out of any funds in the county treasury not otherwise appropriated.

Be It Enacted by the Legislature of Alabama:

Section 1. The coroner of Talladega County is hereby authorized and empowered to appoint a clerk and to fix his compensation. The compensation of such clerk shall be paid by the court of county commissioners board of revenue, or like governing body of the county, out of any funds in the county treasury not otherwise appropriated, but shall not exceed fifty dollars per month.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1955.

Time: 5:35 P.M.

Act No. 316

S. 332—Mr. Vann

AN ACT

Relating to the City of Huntsville in Madison County; to alter, rearrange, and extend the boundaries thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the City of Huntsville in Madison County are hereby altered, rearranged and extended so as to include within the corporate limits of such city, in addition to the territory included within the present corporate limits, the following described territory:

(a) All that part of Sections 33 and 34, Township 3 South, Range 1 West, and Sections 3 and 4, Township 4 South, Range 1 West in Madison County, Alabama particularly described as beginning at the northwest corner of the Corporate limits of the City of Huntsville, Alabama, at the center of Section 34, Township 3 South, Range 1 West, which place of beginning is further described as being the northwest corner of F K Noojin's Hillandale Addition, thence from the place of beginning west 7920.0 feet to the center of the west boundary of Section 33,

Township 3 South, Range 1 West; thence south along the west boundary of Section 33, Township 3 South, Range 1 West and along the west boundary of Section 4, Township 4 South, Range 1 West, 6775.0 feet to a point on the north margin of the Southern Railway right-of-way; thence north 71 degrees 0 minutes east along the north margin of the Southern Railway right-of-way 10795.0 feet to a point in the center of Eighth Street which point is on the west boundary of the present corporate limits of the City of Huntsville; thence due north along the corporate limits line and along the center line of said Eighth Street 1320.0 feet to a point in the center of Athens Pike or Athens Street; thence South 77 degrees 0 minutes west along the center of said Athens Pike or Athens Street 2218.0 feet to a point on the west boundary of the southeast quarter of Section 34, Township 3 South, Range 1 West; thence north 1 degree 3 minutes east 2539.7 feet to the place of beginning.

(b) All that part of Sections 7, 8, 17 and 18, Township 4 South, Range 1 East, and Sections 12, 13, 14, 23 and 24 of Township 4 South, Range 1 West, Madison County, Alabama, particularly described as beginning at the southeast corner of the Corporate limits of the City of Huntsville which place of beginning is further described as being the center of the north boundary of the northeast quarter of Section 8, Township 4 South, Range 1 East; thence from the place of beginning south 1980.0 feet to the center of the east boundary of the southwest quarter of the northeast quarter of Section 8, Township 4 South, Range 1 East; thence west 2640.0 feet to the center of the east boundary of the southwest quarter of the northwest quarter of Section 8, Township 4 South, Range 1 East; thence south 3300.0 feet to the center of the south boundary of the southwest quarter of Section 8, Township 4 South, Range 1 East; thence west along the south boundary of Section 8, Township 4 South, Range 1 East 575.0 feet to a point on the west margin of Drake Garth Road; thence along the west margin of Drake-Garth Road as follows: south 6 degrees 10 minutes east 715.0 feet; thence south 21 degrees 20 minutes east 1220.0 feet; thence south 5 degrees 20 minutes west 830.0 feet to a point on the south boundary of the northwest quarter Section 17, Township 4 South, Range 1 East; thence leaving Drake-Garth Road due west 4775.0 feet to a point on the east margin of Whitesburg Drive; thence north 1 degree 20 minutes west along the east margin of Whitesburg Drive 365.0 feet to a point in line with the north margin of the Airport Access Road; thence south 84 degrees 30 minutes west along the north margin of the Airport Access Road 3180.0 feet to a point; thence south along the east margin of the Huntsville Madison County Airport property 2785.0 feet to a point at the center of the south boundary of the southeast quarter of Section 13, Township 4 South, Range 1 West; thence west 1320.0 feet to the center of the north boun-

dary of Section 24, Township 4 South, Range 1 West; thence south 2640.0 feet; thence west 2640.0 feet to the center of the west boundary of Section 24; Township 4 South, Range 1 West; thence north 1980.0 feet; thence west 1320.0 feet; thence north 660.0 feet; thence west 1320.0 feet to the center of the south boundary of Section 14, Township 4 South, Range 1 West; thence north 2640.0 feet to the center of Section 14, Township 4 South, Range 1 West; thence east 2640.0 feet to the center of the west boundary of Section 13, Township 4 South, Range 1 West; thence north 6600.0 feet to the center of the west boundary of the northwest quarter of Section 12, Township 4 South, Range 1 West; thence east 1769.0 feet to a point on the southwest corporate boundary of the City of Huntsville which point is further described as being located on the east margin of the right-of-way of the N C & St L railway; thence south 16 degrees 56 minutes east along the east margin of the N C & St L Railway right-of-way and along the southwest corporate boundary of the City of Huntsville 1402.0 feet to a point in the center of Donegan Lane said point is further described as being located on the south boundary of the northwest quarter of Section 12, Township 4 South, Range 1 West; thence east along the center line of Donegan Lane 5720.0 feet to the center of Section 7, Township 4 South, Range 1 East, thence north 2640.0 feet to the center of the north boundary of Section 7, Township 4 South, Range 1 East, thence east 6600.0 feet to the place of beginning.

(c) All that part of Sections 1, 2, and 12, Township 4 South, Range 1 West, Madison County, Alabama, particularly described as beginning at the intersection of the east margin of Memorial Parkway with the southwest boundary of the corporate limits line said place of beginning is further described as being south 687.5 feet and west 115.0 feet from the center of the west boundary of Section 1, Township 4 South, Range 1 West, thence from the place of beginning south 11 degrees 15 minutes east along the east margin of the Huntsville or Memorial Parkway 2585.0 feet to the north margin of Bob Wallace Avenue Extended thence north 78 degrees 45 minutes east along the north margin of said Bob Wallace Avenue Extended 634.7 feet; thence north 73 degrees 2 minutes east 451.2 feet; to a point on the boundary of the southwest corporate limits of the City of Huntsville said point is further described as being located on the east margin of the right-of-way of the N C & St L Railway; thence north 17 degrees 0 minutes west along the east margin of the N C and St L Railway right-of-way 1480.0 feet to a point; thence south 56 degrees 30 minutes west 570.0 feet to a point; thence north 33 degrees 30 minutes west 1150.0 feet to the place of beginning.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1955.

Time: 5:38 P.M.

Act No. 317

S. 117—Messrs. Goodwin, Yarbrough
(Randolph), Skidmore, Jones,
James

AN ACT

To recognize the Alabama Association of School Board Members as an organization and representative agency of the members of the school boards of the State; to authorize State and local school boards and agencies to cooperate with said association in its programs; and to confer powers and authority upon said Association and the several school boards of the State in carrying out the objectives of the Association.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Alabama Association of School Board Members is hereby recognized as the organization and representative agency of the members of the school boards of Alabama.

Section 2. That the State Superintendent of Education, the State Department of Education and the Boards of Education of the county and city systems are hereby empowered and authorized to co-operate with the Alabama Association of School Board Members in its in-service training program for school board members and in encouraging and fostering co-operation among the school boards affiliated with the Alabama Association of School Board Members.

Section 3. Members of the State, County and City Boards of Education are authorized to pay dues to and also may incur reasonable traveling and subsistence expenses in attending meetings of the Alabama Association of School Board Members with which it is affiliated. Such dues and expenses may be paid as other expenses are paid by such Boards of Education.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming law.

Approved August 30, 1955.

Time: 5:40 P.M.

Act No. 318

S. 337—Calvin

AN ACT

To extend the boundary lines of the City of Decatur in Morgan

County, Alabama, and to include within the boundaries of said municipality certain additional territory.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the City of Decatur in Morgan County, Alabama, be and the same are hereby extended so as to include, in addition to the territory now embraced therein, the following described property, to-wit:

All that part of the SE $\frac{1}{4}$ of Section 28, Township 5 South, Range 4 West, lying East of the present City Limit line of the City of Decatur;

Also, all that part of the NE $\frac{1}{4}$ of Section 33, Township 5 South, Range 4 West, lying East of the present City Limit line of the City of Decatur and North of the south line of Stratford Road, S. E.;

Also, the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 34, Township 5 South, Range 4 West.

Section 2. This Act shall be effective immediately upon its passage and approval by the Governor.

Approved August 30, 1955.

Time 5:50 P.M.

Act. No. 319

S. 341—Boutwell

AN ACT

To fix the supplemental salary of the Solicitor of the Tenth Judicial Circuit of Alabama to provide that said supplemental salary shall be paid out of the general funds of Jefferson County, Alabama, and to provide when said act shall go into effect and to repeal all laws in conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1. The Circuit Solicitor of the Tenth Judicial Circuit of Alabama shall in addition to the salary now being paid by the State be paid a supplemental salary of Forty-Seven Hundred (\$4,700.00) Dollars per year by Jefferson County, Alabama, from the general funds of said county, payable as the salaries of county officers are paid.

Section 2. This act shall go into effect commencing with the next term of the Circuit Solicitor of the Tenth Judicial Circuit of Alabama.

Section 3. All laws or parts of laws, wherein the Solicitor of the Tenth Judicial Circuit of Alabama is drawing additional salary and/or other compensation from Jefferson County, Alabama, are hereby repealed when this act goes into effect.

Approved August 30, 1955.
Time: 5:55 P.M.

Act No. 320

S. 343—Robison

AN ACT

To alter or rearrange the boundary lines of the City of Montgomery, Alabama, so as to include within the corporate limits of said City territory not already included therein.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Montgomery, in the County of Montgomery, and State of Alabama, be and the same are hereby altered and rearranged so as to include within the corporate limits of said City all of that territory lying within the County of Montgomery and included in the following boundaries:

Beginning at the southeast corner of the northwest quarter of Sec. 3, T16N, RISE, Montgomery County, Alabama, thence north along the east line of said northwest quarter of Sec. 3 to the north line of the south half of the northwest quarter of Sec. 3, thence west along the north line of the south half of the northwest quarter of Sec. 3, to the west line of Sec. 3, thence north along the west line of Sec. 3 to the northeast corner of Sec. 4, T16N, RISE, thence west along the north line of said Sec. 4, to the northwest corner of the northeast quarter of Sec. 4, thence south along the west line of said northeast quarter of Sec. 4, to the southwest corner of said northeast quarter of Sec. 4, thence east along the south line of the northeast quarter of Sec. 4 and the south line of the northwest quarter of Sec. 3, T16N, RISE, to the point of beginning.

Section 2. That all laws or parts of law in conflict are hereby repealed.

Section 3. This act shall take effect on October 1, 1955.

Approved August 30, 1955.
Time: 5:56 P.M.

Act No. 321.

S. 344—Robison

AN ACT

To authorize and require Boards of Revenue, Courts of County Commissioners, or other governing bodies in all counties in this State having, or which may hereafter have, a population of not less than 125,000, nor more than 200,000, according to the last, or any subsequent, federal decennial census to provide a pension or retiring allowance plan for the employees of said counties, but not for the elected officials, but

providing that the term or terms of office of any elected official who has subsequently returned to the employment service of such counties shall not be included or excluded in computing the length of service of any such employee, or be considered as having interrupted the continuing employment service or status of such employee in determining his or her eligibility for a pension or retiring allowance under the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The Boards of Revenue, Courts of County Commissioners, or other governing bodies in all counties in this State having, or which may hereafter have, a population of not less than 125,000, nor more than 200,000, according to the last, or any subsequent, federal decennial census, are hereby authorized and required to provide a pension or retiring allowance plan for the employees of said counties and to allow present county employees who have heretofore been employees of such counties' school system, provided they are not included under some other pension plan, to count such service as having been rendered continuously in their present positions; and, also allowing the county employees who serve in the Military or Naval Forces of this Country between service periods for said counties to count such service as having been rendered for said counties; and, also allowing employees who served as temporary acting officials, during the period the regularly elected officials served in the Military or Naval Forces of this Country, to count such service as having been rendered such counties as regular and continuous employees within the meaning of this Act. This Act shall not be construed or interpreted to provide a pension for elected officials, provided, however, that the terms or terms of office of any elected official who has subsequently returned to the employment service of such counties shall not be included or excluded in computing the length of service of any such employee or be considered as having interrupted the continuing employment service or status of such employee in determining his or her eligibility for a pension or retiring allowance under the provisions of this Act.

Section 2. Any such employee of such counties who shall have been in continuous service of said counties for as long as twenty consecutive years and shall have attained the age of fifty years, or who shall have been in the service of such counties for as long as twenty-four years, the last fourteen years of which have been continuous and the other ten years for which credit is sought were in not more than three periods, two of which were for terms of not less than four consecutive years and shall have attained the age of fifty years, upon making written application therefor to the Boards of Revenue, Courts of County Commissioners, or other governing bodies in such counties, or upon being retired by any means provided in this Act, shall be retired from said employment service of such counties, and upon such

minimum retirement, such retired employee shall be paid, and the Boards of Revenue, Courts of County Commissioners, or other governing bodies in such counties shall order and direct the payment of such employee, monthly or otherwise as active employees are paid, during the remainder of his or her natural life, a sum equal to one-half of the highest monthly compensation paid to such employee from the funds of such counties during his or her service period, provided said payments shall not exceed One Hundred Dollars per month to any such retired employee. Any employee of such counties who has been in continuous service as long as twenty consecutive years or who shall have been in the service of such counties for as long as twenty-four years, the last fourteen years of which have been continuous but who continues to work for such counties an additional year, or number of years, before making written application for retirement, or upon being retired by any means provided in this Act, shall be paid during the remainder of his or her natural life, a sum equal to his or her minimum retirement plus an additional two per centum of his highest monthly salary multiplied by the number of completed years of additional service—not to exceed ten additional years and not to exceed \$100.00 over and above his or her minimum service period payment; provided, however, that no person now drawing a pension by reason of any law now in existence shall be affected by this Act.

Section 3. The Boards of Revenue, Courts of County Commissioners, or other governing bodies in such counties, with or without the approval of any employing official of such counties, whether elective or appointive, may after giving thirty days notice in writing to an employee who is eligible for retirement, and after reasonable investigation, if such Boards of Revenue, Courts of County Commissioners, or other governing bodies in such counties are convinced that any such employee has become unable physically, mentally, or otherwise to perform efficiently the duties assigned to him or her, such Boards of Revenue, Courts of County Commissioners, or other governing bodies in such counties may order such employee retired as provided in Section 2 of this Act.

Section 4. Payments under this Act to retired county employees shall be made in the same manner and at the same times and from the same funds as salaries and compensation are made to regular active employees of the Department in which such employee was employed by such counties.

Section 5. Nothing included in this Act shall be considered or construed to take from the elective officers of such counties, including the Boards of Revenue, Courts of County Commissions, or other governing bodies and their duly authorized agents, the power to dismiss from the service of such counties any of its

active employees who for any cause fails or refuses to render faithful or efficient service.

Section 6. The Boards of Revenue, Courts of County Commissioners, or other governing bodies in such counties shall hear and decide all applications for pensions under this Act and the decisions on such applications shall be final and conclusive and not subject to review or reversal except by such authorities themselves.

Section 7. There shall be kept by the Clerks of the Boards of Revenue, Courts of County Commissioners, or other governing bodies in such counties a book to be known as the "Register of Retired Employees." This book shall contain a complete record of the services of said employees, together with a copy of action of the Boards of Revenue, Courts of County Commissioners, or other governing bodies in such counties in retiring any and all employees under this Act. The retirement of any employees under the provisions of this Act shall be spread upon its minutes.

Section 8. In case of any dispute arising out of or over the provisions of this Act, or the interpretation of any of the provisions thereof, the decisions of the Boards of Revenue, Courts of County Commissioners, or other governing bodies in such counties shall be final and exclusive.

Section 9. No part of any pension paid or subject to payment under the provisions of this Act shall, before or after its payment to a beneficiary hereunder, be seized or held or be in anywise subject to garnishment or levy of execution or attachment or other process issued out of any court of this State, or of any other state so far as same may be sought to respond to the payment or satisfaction in whole or in part, of any debt, damage, demand, claim, judgment or decree against any beneficiary under said pension system, but shall be exempt therefrom; nor shall the whole or any part of any such pension, or the right thereto, be assigned, and any assignment thereof shall be void and unenforceable.

Section 10. Any and all laws or parts of laws in conflict herewith are expressly repealed. If any part or parts of this Act shall be declared unconstitutional, it shall not effect the remaining part or parts of this Act.

Section 11. This Act shall take effect on its passage and approval by the Governor or otherwise becoming a law.

Approved August 30, 1955

Time: 5:57 P. M.

Applicable to Winston County; making provisions respecting the use of that portion of the State Gasoline Excise Tax levied under Section 647 of Title 51 of the Code of Alabama of 1940 that may be apportioned to Winston County under Section 657 of said Title 51.

Be It Enacted by the Legislature of Alabama:

Section 1. That portion of the State Gasoline Excise Tax levied by Section 647 of Title 51 of the Code of Alabama of 1940, as amended, that may be apportioned for distribution to Winston County pursuant to the provisions of Section 657 of said Title 51, as amended (being one-third of the total portion of said tax apportioned for distribution to said county by Sections 655 and 657 of said Title 51, as amended), shall be paid into the State Treasury to the credit of the State Highway Department for the account of said county, and shall be applied by the State Highway Department, upon the order of the governing body of said county, for the following purposes only: (a) payment of said county's share of the cost of constructing roads in said county pursuant to the provisions of any contract between the State Highway Department, acting through the Bureau of County Aid, and said county heretofore or hereafter entered into pursuant to the provisions of the Farm to Market Road Act of 1943 (being Act No. 329 adopted at the 1943 Regular Session of the Legislature of Alabama), as heretofore and hereafter amended; and (b) for payment of the principal of and interest on any securities that may at any time be issued by said county, pursuant to the provisions of general law, to procure funds for payment of said county's share of the construction costs under any such contract between the State Highway Department, acting through the Bureau of County Aid, and said county.

Section 2. This act shall be construed so as not to impair the obligations of said county with respect to any securities of said county, issued by it prior to the adoption of this act and in accordance with the provisions of general law, that may be payable from or secured to any extent by that portion of the said State Gasoline Excise Tax to be distributed to said county under the provisions of said Section 657 of Title 51 of the Code of Alabama of 1940, as amended; provided, however, that, in making orders or other provisions for payment of the principal of and interest on any securities issued by said county prior to the adoption of this act and payable from or secured by that portion of said tax that may be distributed to said county under the provisions of Sections 655 and 657 of Title 51 of the Code of Alabama of 1940, as amended, said county shall first exhaust that portion of said tax that may be distributed to it pursuant to the provisions of said Section 655 before applying, or ordering to be applied, for such purpose any of the proceeds of said tax that may be apportioned to it under the provisions of said Section 657.

Section 3. This act shall become effective on the first day of the month succeeding the month during which it shall be signed by the Governor or shall otherwise become law.

Approved August 30, 1955.

Time: 5:58 P.M.

Act No. 323

S.354—Allen

AN ACT

Authorizing Winston County to sublease to any municipality or public corporation in Winston County any space not needed by it in any project at any time leased by it from a public corporation now or hereafter organized in Winston County under the provisions of Act No. 682 adopted at the 1951 Regular Session of the Legislature of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Winston County, Alabama, is hereby authorized and empowered to sublease to any municipality in Winston County or to any public corporation in Winston County any space not needed by it in a building or structure at any time leased by it from a public corporation now or hereafter organized in Winston County under the provisions of Act No. 682 adopted at the 1951 Regular Session of the Legislature of Alabama.

Section 2. This act shall take effect upon its approval by the Governor or upon its otherwise becoming law.

Approved August 30, 1955.

Time: 6:00 P.M.

Act No. 324

H.J.R. 74—Rules Committee

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that the Clerk of the House be authorized and empowered to appoint an electrical roll call operator and an additional Assistant Clerk, who shall be paid the same per diem and allowance and serve during the same time as the present Assistant Clerks.

Approved September 1, 1955

Time: 1:25 P.M.

Act No. 325

H. J. R. 76—Dawkins

HOUSE JOINT RESOLUTION

Whereas the city of Montgomery is the third largest city in

the State, and serves an extensive trade area in central and south Alabama, and

Whereas there is no state vocational trade school located either in Montgomery or in the surrounding area, and

Whereas the central location of Montgomery would make any state vocational trade school established in that city conveniently accessible to the people of a large area of the State not now served by such a school; now therefore

Be it resolved by the House of Representatives, the Senate concurring: That the State Board of Education is requested to give the greatest possible consideration to the desirability and feasibility of locating and establishing in the city of Montgomery one of the additional state vocational trade schools provided for by an act of the 1955 regular session of the Legislature.

Approved September 1, 1955

Time: 1:30 P. M.

Act No. 326

S. J.R. 68—Eddins

SENATE JOINT RESOLUTION

Whereas, the oil well drilled at Citronelle was recently brought in as the second gusher oil well in the State of Alabama, indicating that oil and gas resources may be more prevalent in this State than heretofore thought possible, and of a quality as good or better than the oil and gas produced in some of the oldest established oil fields in this country; and

Whereas, the promotion and development of the oil and gas industry has brought great wealth to the people of Texas, Oklahoma, and other states, and has enabled the state of Texas to finance the operation of its public schools, including institutions of higher learning, almost entirely with revenue derived from the production of oil and gas; and

Whereas, public health, welfare and educational services in this State are inadequately financed, not because of lack of effort on the part of the citizens of Alabama, but because of the limited amount of funds available; and

Whereas, increased production of oil and gas in this State would indirectly provide additional revenues with which to finance, improve, and extend health, welfare and educational services; and

Whereas, this State should take all actions necessary to encourage the development of oil fields and the production of oil and gas in order to promote the prosperity and well-being of the people of Alabama; now therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA,
THE HOUSE OF REPRESENTATIVES CONCURRING:

1. That a legislative interim committee is hereby created to study the activities being carried on in the exploration for and production of oil and gas resources in this State to determine whether or not legislation is needed to encourage the exploration for oil and gas in order to secure the production of oil and gas to the fullest extent possible. The committee is authorized to employ sufficient technical personnel, such as oil geologists and oil engineers, as may be necessary to carry out the investigation, and to fix the compensation of those employed. The committee shall report to the Legislature at the next regular or special session, and at that time shall present legislation which, in its opinion, will best encourage the promotion and development of oil and gas resources.

2. The committee shall consist of three members of the Senate appointed by the President and three members of the House of Representatives appointed by the Speaker of the House. The members of the committee shall elect from among their number a chairman, and the committee shall meet at the call of the chairman. Any vacancy on the committee from either House of the Legislature shall be filled by appointment by the Speaker of the House or the President of the Senate, as the case may be. For each day's attendance at a meeting of the committee, each member of the committee shall receive the same per diem and expenses as is provided for members of the Legislature. The per diem and expenses of the members of the committee and all other expenses incurred by the committee in the conduct of its investigation shall be paid from any funds appropriated for the use of the Legislature.

Approved September 2, 1955
Time: 10:00 A.M.

Act No. 327

H. 788—Goodwyn, Nolen, Dawkins,
Kendall, Summerlin,
Stokes, McNider, Broad-
foot, Hall, Boyd, Pirkle.

AN ACT

To raise revenue for educational purposes: levying a special tax on incomes; providing for the enforcement and collection of the tax; and prescribing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. DEFINITIONS.

(1) Gross income. The term "gross income" as used herein:

(1) Includes gains, profits and income derived from salaries, wages or compensation for personal services of whatever kind, or in whatever form paid, including the salaries, income, fees and other compensation of state, county and municipal officers and employees, or from professions, vocations, trades, business, commerce or sales, or dealings in property whether real or personal, growing out of ownership or use of or interest in such property; also from interest, royalties, rents, dividends, securities or transactions of any business carried on for gain or profit and the income derived from any source whatever, including any income not exempted under this Act; including income of officers or agents of the United States, etc., received from the United States, or from its agencies and instrumentalities.—The salaries, fees, commissions, or other income of officers or agents of the United States or its agencies and instrumentalities or its contractees, received from the United States or from its agencies and instrumentalities, shall be subject to this tax as other income is taxed, but without discrimination, and only to the same extent, and in the same manner other income is herein taxed, insofar as the state of Alabama may be constitutionally or legally authorized to tax such income. The income of national banks shall be subject to the tax only to the extent permitted by federal law, and the income of state chartered banks, federal and state chartered savings and loan associations, and production credit associations shall be subject to the tax to the same extent as national banks, without discrimination. For the purposes of this Act, in computing gain or loss on the sale or other disposition of property, the basis shall be the same as provided for in Title 51, Section 378, Subsection (9), Code of Alabama 1940, except the date of January 1, 1955 shall be substituted for the date used in Section 378, Subsection (9) of January 1, 1933. Losses shall be allowed only to offset gains in the taxable year. The amount of all such items shall be included in the gross income for the taxable year in which received by the taxpayer; but

(2) does not include the following items which shall be exempt from income tax under this Act;

(a) amounts received under life insurance policies and contracts paid by reason of the death of the insured,

(b) amounts received (other than amounts paid by reason of the death of the insured) under life insurance endowment or annuity contracts, either during the term or at maturity or upon surrender of contracts, equal to the total amount of premiums paid thereon,

(c) the value of property acquired by gift, bequest, demise or descent, (but the income from such property shall be included in the gross income),

(d) any amount received through accident or health insurance, or under any workman's compensation act as compensation for personal injuries or sickness, plus the amount of any damages received, whether by suit or agreement on account of such injuries or sickness, or through the war risk insurance act, or any law for the benefit or relief of injured or disabled members of the "military or naval forces of the United States."

(3) The term "gross income" shall mean and include all of such income arising from sources within and without the state whether paid to residents or non-residents, including interest on bonds, notes or other interest-bearing obligations of residents, corporate or otherwise and all amounts received (although paid under a contract for the sale of goods or otherwise) representing profits in the manufacture and disposition of goods within or without the State of Alabama. It shall mean and include interest, dividends, or other forms of income from and gains of profits realized upon the sale, exchange or other disposition of all forms of intangible personal property owned by or held anywhere in or without the State of Alabama for the account of any resident or domestic corporation.

(2) Adjusted Gross Income. For the purposes of this Act, the term "adjusted gross income" means gross income as defined in Section 1 of this Act minus the following deductions:

(1) All ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including a reasonable allowance for salaries or other compensation for personal services actually rendered, and including rentals and other payments required to be made as a condition of the continued use of or possession for the purpose of trade or business of property to which the taxpayer has not taken, or is not taking title or in which he has no equity.

(2) Interest paid or accrued, within the taxable year, as an ordinary and necessary expense in production of income.

(3) Taxes paid or accrued, within the taxable year, as an ordinary and necessary expense in the production of income. Ordinary and necessary expense shall not include any tax levied on or measured by income of any individual or corporation.

(4) Losses from debts ascertained to be worthless and charged off during the taxable year of such ascertainment, if sustained in the conduct of the regular trade or business of the taxpayer during the period covered by this Act if the amount of the same has been included in the gross income of the said trade or business.

(5) A reasonable allowance for the exhaustion, wear and tear of property from which any income is derived including a reasonable allowance for obsolescence. In the case of mines, oil

and gas wells, other natural deposits and timber, a reasonable allowance for depletion and for depreciation of improvements, according to the peculiar condition in each case based upon the cost, including the cost of development not otherwise deducted; such reasonable allowance in all cases to be made under rules and regulations to be prescribed by the department of revenue. In case of leasehold interests, the deduction allowed by this section shall be equitably proportioned between the lessor and the lessee.

(a) Adjusted gross income of federal and state savings and loan associations shall not include dividends paid or accrued, during the tax year, to members of such federal and state savings and loan associations.

(6) The amounts received by a corporation as dividends from a corporation, or any subsidiary corporation of which the parent corporation owns as much as fifty percent of the capital stock, which is taxable under this Act upon the adjusted gross income of the parent corporation or the subsidiary.

(3) (a) Life Insurance Companies. The term "life insurance company" as used in this Act shall have the same meaning as Section 801 of the United States Internal Revenue Code of 1954.

(b) Other Insurance Companies. The term "other insurance company" as used in this Act shall mean an insurance company as defined in Act No. 77 of the Second Special Session of the Alabama Legislature of 1955 except companies defined in subsection (3) (a) of this Section 1.

(4) (a) Adjusted Gross Income of Life Insurance Companies. The words "adjusted gross income" with respect to a "life insurance company" shall mean its gross investment income less the ordinary and necessary expenses paid or incurred in acquiring such income and less the interest required to maintain its reserves on outstanding policies and supplementary contracts on the basis shown in the annual statement filed by the life insurance company with the Superintendent of Insurance of the State of Alabama.

(b) Adjusted Gross Income of Mutual and Other Insurance Companies. The words "adjusted gross income" with respect to "Mutual," "reciprocal" or "interinsurance exchanges" and "Other" insurance companies shall have the same meaning as the term "taxable income" as defined for "mutual" companies and "reciprocal" or "interinsurance exchanges" in Section 822, and for "other" companies in Section 832, of the United States Internal Revenue Code of 1954.

(c) Adjusted Gross Income of Foreign Insurance Companies. The adjusted gross income of a life insurance company

or other insurance company organized under the laws of any country or of any state of the United States other than the State of Alabama shall mean the adjusted gross income of such company as defined hereinabove less a percentage of such adjusted gross income determined by the ratio which the company's premium income paid by citizens of countries or states other than the State of Alabama bears to the company's total premium income.

Section 2. In addition to all other taxes now imposed by law there is hereby levied and imposed a special tax on the incomes of individuals and domestic corporations from whatever source derived within this State, and on the income of every foreign corporation doing business in Alabama which is derived from its property situated within this state and from its business done and transacted within this state, which tax shall be assessed, collected and paid at the rates specified herein, for each year, as hereinafter provided. The tax shall be computed on the adjusted gross income as herein defined.

If the adjusted gross income is:

The tax shall be:

Not over \$2,000 but more than \$1,000	.0050 of the taxable income
Over \$ 2,000 but not over \$ 3,000	\$ 10.00, plus .0060 of excess over \$ 2,000.
Over \$ 3,000 but not over \$ 4,000	\$ 16.00, plus .0065 of excess over \$ 3,000.
Over \$ 4,000 but not over \$ 5,000	\$ 22.50, plus .0070 of excess over \$ 4,000.
Over \$ 5,000 but not over \$ 6,000	\$ 29.50, plus .0075 of excess over \$ 5,000.
Over \$ 6,000 but not over \$ 7,000	\$ 40.00, plus .0080 of excess over \$ 6,000.
Over \$ 7,000 but not over \$ 8,000	\$ 48.00, plus .0085 of excess over \$ 7,000.
Over \$ 8,000 but not over \$ 9,000	\$ 56.50, plus .0090 of excess over \$ 8,000.
Over \$ 9,000 but not over \$10,000	\$ 65.50, plus .0095 of excess over \$ 9,000.
Over \$10,000 but not over \$12,000	\$ 75.00, plus .0100 of excess over \$ 10,000.
Over \$12,000 but not over \$14,000	\$ 95.00, plus .0150 of excess over \$ 12,000.
Over \$14,000 but not over \$16,000	\$ 125.00, plus .0200 of excess over \$ 14,000.
Over \$16,000 but not over \$18,000	\$ 165.00, plus .0250 of excess over \$ 16,000.
Over \$18,000 but not over \$20,000	\$ 215.00, plus .0300 of excess over \$ 18,000.

Over \$20,000 but not over \$22,000	\$ 275.00, plus .0350 of excess over \$ 20,000.
Over \$22,000 but not over \$25,000	\$ 345.00, plus .0375 of excess over \$ 22,000.
Over \$25,000 but not over \$35,000	\$ 457.00, plus .0385 of excess over \$ 25,000.
Over \$35,000 but not over \$50,000	\$ 842.00, plus .0395 of excess over \$ 35,000.
Over \$50,000 but not over \$65,000	\$1,434.00, plus .0400 of excess over \$ 50,000.
Over \$65,000 but not over \$80,000	\$2,034.00, plus .0405 of excess over \$ 65,000.
Over \$80,000 but not over \$90,000	\$2,641.50, plus .0407 of excess over \$ 80,000.
Over \$90,000 but not over \$100,000	\$3,048.50, plus .0408 of excess over \$ 90,000.
Over \$100,000	\$3,456.50, plus .015 of excess over \$100,000.

Persons and subjects taxable under this Act are: (1) Every individual residing in Alabama; (2) every corporation domiciled in Alabama or licensed or qualified to transact business in Alabama; (3) every corporation doing business in Alabama or deriving income from sources within Alabama, including income from property located in Alabama; (4) every resident individual or corporation acting in a fiduciary capacity; (5) every estate and trust resident in the State of Alabama to the extent of its undistributed adjusted gross income; (6) every nonresident individual receiving taxable income from property owned or business transacted in Alabama; (7) every natural person domiciled in the State of Alabama, and every other natural person who maintains a permanent place of abode within the State or spends in the aggregate more than seven months of the income year within the State, shall be presumed to be residing within the State for the purposes of determining liability for taxes under this Act.

The tax levied and imposed in this section on the adjusted income for the calendar year 1955, or for that pro rata part of the adjusted income applicable to any fiscal year ending in 1955 shall be due on January 1, 1956, and shall be paid on or before April 15, 1956; provided, however, the tax for the year 1955 may be paid in four equal quarterly installments, the last installment to be paid on or before September 30, 1956.

The tax levied and imposed in this section shall be assessed collected and paid in the year 1956 upon and with respect to the taxable income for the year 1956, or for any fiscal year ending

during the year 1956, and each year thereafter such tax shall be assessed, collected and paid as provided in subsequent sections of this Act.

Section 3. The following corporations and organizations shall be exempt from taxation under this Act; (1) Religious and Apostolic organizations as defined in Internal Revenue Code. (2) Corporations, and any community chest, fund or foundation, organized and operated exclusively for religious, charitable, scientific testing for public safety, literary, research or educational purposes no part of the net earnings of which inures to the benefit of any private stockholder or individual. (3) Civic leagues or organizations not organized for profit but operated exclusively for the promotion of social welfare, or local association of employees, the membership of which is limited to the employees of a designated person or persons in a particular municipality, and the net earnings of which are devoted exclusively to charitable, educational, or recreational purposes. (4) Clubs organized and operated exclusively for pleasure, recreation, and other non-profit purposes no part of the net earnings of which inures to the benefit of any private stockholder or individual. (5) Corporations organized for the exclusive purpose of holding title to property, collecting income therefrom, and turning over the entire amount thereof, less expenses, to an organization which itself is exempt under this Act. (6) Non-Profit Hospitals. (7) Charitable trusts and pension trusts which are exempt from Federal income tax and State of Alabama income tax.

Section 4. (1) Every employer who makes payment of wages shall deduct and withhold upon such wages of all employees where adjusted income exceeds one thousand dollars per annum a tax equal to one-half of one percent of the amount of wages paid, or to be paid in the calendar year of such employer. As used herein, the term "employer" shall have the same meaning as the term has under the income tax laws of the United States with respect to income tax collected at the source; the term "wages" and the term "employees" shall have the same meaning as those terms have under such laws.

(2) At the election of the employer with respect to such employee, the employer may deduct and withhold upon the wages paid to such employee a tax determined on the basis of tables to be prepared and furnished by the department of revenue, hereinafter referred to as "the department.", Which tax shall be substantially equivalent to the tax provided in this Act, and which shall be lieu of the tax required in subdivision (1).

(3) In determining the amount to be deducted and withheld under this section, the wages may, at the election of the employer, be computed to the nearest dollar.

(4) The department may by regulation authorize employers: 1) to estimate the wages which will be paid to any employee in any quarter of the calendar year; 2) to determine the amount to be deducted and withheld upon each payment of wages to such employee during such quarter as if the appropriate average of the wages so estimated constituted the actual wages paid; 3) to deduct and withhold upon any payment of wages to such employee during such quarter such amount as may be necessary to adjust the amount actually deducted and withheld upon the wages of such employee during such quarter to the amount that would be required to be deducted and withheld during such quarter if the payroll period of the employee was quarterly.

(5) The department is authorized to provide by regulations for withholding in addition to that otherwise required under this section, and in cases in which the employer and employee agree to such additional withholding. Such additional withholding shall for all purposes be considered tax required to be deducted and withheld under this Act.

Section 5. The remuneration paid by an employer to an employee for services performed during one-half or more of any payroll period of not more than thirty-one consecutive days constitutes wages, all the remuneration paid by such employer to such employee for such period shall be deemed to be wages; but if the remuneration paid by an employer to an employee for services performed during more than one-half of any such payroll period does not constitute wages, then none of the remuneration paid by such employer to such employee for such period shall be deemed to be wages.

Section 6. Every employer required to deduct and withhold tax under Section 4 of this Act shall, for the quarterly period beginning January 1, 1956, and for each quarterly period thereafter, on or before the last day of the month following the close of each quarterly period, make return and pay over to the department of revenue, the tax required to be withheld under Section 4.

If the department has reason to believe that the collection of the tax provided for in section 4 of this Act is in jeopardy in any case, it may require the employer to make such return and pay such tax at any time.

Every employer who fails to withhold or pay to the department any sums required by this Act to be withheld and paid shall be personally and individually liable therefor to the State of Alabama, and any sum or sums withheld in accordance with the provisions of Section 4 of this Act shall be deemed to be held in trust for the State of Alabama.

In the event an employer fails to withhold or pay over to the department any amount required to be withheld under Section 4 of this Act, such amount may be assessed against such employer in the same manner as is prescribed for the assessment of income taxes under the provisions of Section 407 of Title 51, Code of 1940. Such employer may appeal from such final assessment in the same manner as is prescribed by law for appeals by the taxpayer. When no appeal is taken by the employer, execution may be issued upon the final assessment in the same manner as is provided by law for the issuance of an execution by the department of revenue.

The State shall have a lien upon all the property of any employer who fails to withhold or pay over to the department sums required to be withheld under Section 4 of this Act. If the employer withholds but fails to pay the amount withheld to the department, the lien shall accrue as of the date the amount withheld was required to be paid to the department. If the employer fails to withhold, the lien shall accrue at the time the liability of the employer becomes fixed.

Section 7. Every person required to deduct and withhold from an employee a tax under Section 4 of this Act shall furnish to each such employee in respect of the remuneration paid by such person to such employee during the calendar year, on or before January 31 of the succeeding year, or, if his employment is terminated before the close of such calendar year, within 30 days from the day on which the last payment or remuneration is made, a written statement showing the following: a) the name of such person; b) the name of the employee and his social security account number, if any; c) the total amount of wages as defined in Section 5 of this Act; d) the total amount deducted and withheld as tax under Section 4 of this Act.

The statement required to be furnished by this section in respect of any wages shall be furnished at such other times, shall contain such other information, and shall be in such form as the department may by regulations prescribe. A duplicate of such statement, if made and filed in accordance with regulations prescribed by the department, shall constitute the return required to be made in respect to such wages under Section 393 of Title 51 of the 1940 Code. The department may promulgate regulations providing for reasonable extensions of time to employers required to furnish statements under this section.

Section 8. An employer shall be liable for the payment of the tax required to be deducted and withheld under Section 4 of this Act, and shall not be liable to any person for the amount of any such payment.

Section 9. Where there has been an overpayment of tax under Section 4 of this Act, refund or credit shall be made to the employer only to the extent that the amount of such over-

payment was not deducted and withheld under Section 4 of this Act by the employer.

Unless written application for refund or credit is received by the department from the employer within two years from the date the overpayment is made, no refund or credit shall be allowed.

Section 10. The amount deducted and withheld as tax under Section 4 of this Act during any calendar year upon the wages of any individual shall be allowed as a credit to the recipient of the income against the tax imposed by Section 2 of this Act for taxable years beginning in such calendar year. If more than one taxable year begins in such calendar year such amount shall be allowed as a credit against the tax for the last taxable year so beginning. Where there has been an overpayment of any tax imposed under Section 2 of this Act, the amount of such overpayment may be credited against any tax levied by this Act or any installment thereof then due from the taxpayer, and any balance shall be refunded to the taxpayer.

Overpayments of taxes collected pursuant to Section 4 of this Act shall be refunded with interest at six percentum per annum. This interest shall not begin to accrue until ninety days after the overpayment is made, the return is filed, or the due date of the return, whichever is later. Exclusive authority to refund overpayments of taxes collected pursuant to this Act is vested in the Commissioner of Revenue or his authorized agents. No refund shall be made of less than one dollar.

Section 11. Every individual shall at the time prescribed in this section make a declaration of his estimated tax for the taxable year, if his income from sources other than wages can reasonably be expected to exceed one thousand dollars for the taxable year. In the declaration required the individual shall state: a) the amount which he estimates as the amount of tax under this Act for the taxable year; b) the amount which he estimates as a credit for the taxable year under Section 4 of this Act; c) the excess of the amount estimated under a) over the amount estimated under d), which excess for purposes of this Act shall be considered the estimated tax for the taxable year; d) such other information as may be prescribed in regulations promulgated by the department of revenue.

The declaration required shall be filed with the department on or before April fifteenth of the taxable year, except that if the requirements of this section as to income are first met after April 1 and before June 1 of the taxable year, the declaration shall be filed on or before June 15 of the taxable year; or after June 1 and before September 1 of the taxable year, the declaration shall be filed on or before September 15 of the taxable year; or if after September 1 of the taxable year, the declaration shall be filed on or before January 15 of the succeeding taxable year.

An individual may make amendments of the declaration filed during the taxable year under such regulations as the department may prescribe.

If the declaration is not required to be filed during the taxable year, but is required to be filed on or before such January 15, such return shall, for the purposes of this section, be considered as such declaration; and if the tax shown on the return reduced by the credit under Section 10 of this Act is greater than the estimated tax shown in the declaration previously made, or, in the last amendment thereof, such return shall, for the purposes of this section, be considered as the amendment of the declaration permitted by this section to be filed on or before January 15. The department shall promulgate regulations governing reasonable extensions of time for filing declarations and paying the estimated tax; provided that, except in the case of taxpayers who are abroad, no such extension shall be for more than six months. If the taxpayer is unable to make his own declaration, the declaration shall be made by duly authorized agents or by the guardian or other person charged with the care of the person or property of such taxpayer.

Section 12. (1) The estimated tax provided for in Section 11 of this Act shall be paid as follows:

(a) If the declaration is filed on or before April 15 of the taxable year, the estimated tax shall be paid in four equal installments. The first installment shall be paid at the time of the filing of the declaration, and the second and third on June 15 and September 15, respectively, of the taxable year, and the fourth on January 15 of the succeeding year.

(b) If the declaration is filed after April 15 and not after June 15 of the taxable year and is not required by Section 11 of this Act to be filed on or before April 15 of the taxable year, the estimated tax shall be paid in three equal installments. The first installment shall be paid at the time of the filing of the declaration and the second on September 15 of the taxable year and the third on January 15 of the succeeding year.

(c) If the declaration is filed after June 15 and not after September 15 of the taxable year and is not required by Section 11 of this Act to be filed on or before June 15 of the taxable year, the estimated tax shall be paid in two equal installments; the first installment shall be paid at the time of the filing of the declaration and the second on January 15 of the succeeding year.

(d) If the declaration is filed after September 15 of the taxable year, and is not required by Section 11 of this Act to be filed on or before September 15 of the taxable year, the estimated tax shall be paid in full at the time of the filing of the declaration.

(e) If the declaration is filed after the time prescribed in Section 11 of this Act, including cases where extensions of time have been granted, paragraphs (b), (c), and (d) of this section shall not apply, and there shall be paid at the time of such filing all installments of estimated tax which would have been payable on or before such time if the declaration had been filed within the time prescribed by Section 11 of this Act, and the remaining installments shall be paid at the times at which and in the amounts in which they would have been payable if the declaration had been so filed.

(2) If any amendment of a declaration is filed, the remaining installments, if any, shall be ratably increased or decreased as the case may be, to reflect the respective increase or decrease in the estimated tax by reason of such amendment; and if any amendment is made after October 15 of the taxable year any increase in the estimated tax by reason thereof shall be paid at the time of making such amendment.

(3) At the election of the individual, any installment of the estimated tax may be paid prior to the date prescribed for its payment.

(4) Payment of the estimated tax, or any installment thereof, shall be considered payment on account of the tax for the taxable year.

(5) In the case of an individual whose estimated gross income from farming for the taxable year is at least two-thirds of the total estimated gross income from all sources for the taxable year, in lieu of the time prescribed in Section 11 of this Act, the declaration for the taxable year may be made at any time on or before February 15 of the succeeding taxable year; and if such an individual files a return on or before February 28 of the succeeding taxable year, and pays in full the amount computed on the return as payable, such return shall have the same effect as that prescribed in Section 11 of this Act in the case of a return filed on or before January 15 of the succeeding taxable year.

(6) The application of this section and of Section 11 of this act to taxable years of less than twelve months shall be as prescribed in regulations promulgated by the department.

(7) In the application of this section and Section 11 of this Act to taxpayers reporting income on a fiscal year basis, there shall be substituted for the dates specified therein, the months corresponding thereto.

Section 13. (a) In the case of individuals the total balance of the tax owed after credits for taxes paid through withholding as provided in Section 4 of this Act or through declarations as provided in Sections 11 and 12 of this Act shall be due and pay-

able on the fifteenth day of April following the close of the calendar year, or if the return should be made on the basis of a fiscal year, then on the fifteenth day of the fourth month following the close of the fiscal year.

(b) In the case of fiduciaries, the total amount of the tax imposed by this Act shall be paid on the fifteenth day of April following the close of the calendar year or if the return should be made on the basis of a fiscal year, then on the fifteenth day of the fourth month following the close of the fiscal year.

(c) In the case of corporations the total amount of the tax imposed by this Act shall be paid on the fifteenth day of March following the close of the calendar year, or if the return shall be made on the basis of the fiscal year, then on the fifteenth day of the third month following the close of the fiscal year.

(d) In the case of a corporation, the taxpayer may elect to pay the tax in four equal installments, in which case the first installment shall be paid on the date prescribed for the payment of the tax by the taxpayer, the second installment shall be paid on the fifteenth day of the third month, the third installment on the fifteenth day of the sixth month, and the fourth installment on the fifteenth day of the ninth month, after such date. If any installment is not paid on or before the date fixed for its payment, the whole amount of the tax unpaid shall be paid upon notice and demand from the department of revenue.

(e) In the case of a fiduciary, the taxpayer may elect to pay the tax in four equal installments, in which case the first installment shall be paid on the date prescribed for the payment of the tax by the taxpayer, the second installment shall be paid on the fifteenth day of the second month, the third installment shall be paid on the fifteenth day of the fifth month, and the fourth installment on the fifteenth day of the eighth month, after such date. If any installment is not paid on or before the date fixed for its payment, the whole amount of the tax unpaid shall be paid upon notice and demand from the department of revenue.

(f) At the request of the taxpayer, the department may extend the time for payment of the amount determined as the tax due by the taxpayer, or any installment thereof, for a period of not to exceed three months from the date prescribed for the payment of the tax or any installment thereof. In such case the amount in respect of which the extension shall be paid on or before the date of expiration of the period of the extension.

(g) The tax imposed by this Act or any installment thereof may be paid, at the election of the taxpayer, prior to the date prescribed for its payment.

Section 14. (1) Any employer required under the provisions of Section 4 of this Act to withhold taxes on wages and

make quarterly returns and payment of amounts withheld to the department, who fails to withhold such taxes, or to make such returns, or who fails to remit amounts collected to the department, shall be liable for payment of the amount of taxes which should have been withheld and in addition shall be subject to a civil penalty equal to twenty-five percent of the amount of taxes that should have been properly withheld and paid over to the department for each such failure. Such tax and penalty shall be assessed and collected by the department and the assessment of such tax and penalty may be assessed in the manner provided in Section 407, of Title 51, of the 1940 Code of Alabama.

(2) (a) In the case of a failure to make and file a declaration of estimated tax within the time prescribed in Section 11 of this Act, unless such failure is shown to the satisfaction of the department to be due to reasonable cause and not to willful neglect, there shall be added to the tax five percent of each installment due but unpaid, and one percent of the unpaid amount thereof for each month, except the first, or fraction thereof during which such amount remains unpaid. In no event shall the aggregate addition to the tax under this subparagraph with respect to any installment due but unpaid, exceed ten percent of the unpaid portion of such installment. For the purposes of this subparagraph, the amount and due date of each installment shall be the same as if a declaration had been filed within the time prescribed showing an estimated tax equal to the correct tax reduced by the credit allowed by Section 11 of this Act.

(b) Where a declaration of estimated tax has been made and filed within the time prescribed, or where a declaration of estimated tax has been made and filed after the time prescribed and the department has found that failure to make and file such declaration within the time prescribed was due to reasonable cause and not to willful neglect, in the case of a failure to pay an installment of the estimated tax within the time prescribed, unless such failure is shown to the satisfaction of the department to be due to reasonable cause and not to willful neglect, there shall be added to the tax five percent of the unpaid amount of such installment and, in addition, one percent of such unpaid amount for each month, except the first, or fraction thereof during which such amount remains unpaid. In no event shall the aggregate addition to the tax under this subparagraph with respect to any installment due but unpaid, exceed ten percent of the unpaid portion of such installment.

(3) If eighty percent of the tax, determined without regard to the credit for tax withheld in the case of individuals other than farmers exercising an election under Section 11 of this Act, or sixty-six and two-thirds percent of such tax so determined in the case of such farmers, exceeds the estimated tax increased by such credit, there shall be added to the tax an

amount equal to such excess, or equal to six percent of the amount by which such tax so determined exceeds the estimated tax so increased, whichever is the lesser. This subsection shall not apply to the taxable year in which falls the death of the taxpayer, nor shall it apply to the taxable year in which the taxpayer makes a timely payment on April 15, June 15, September 15, of each year, or on January 15 of the year succeeding the taxable year, or in the case of farmers exercising an election under Section 11 of this Act within the last quarter, and making payment in an amount at least as great as though computed on the basis of the facts shown on his return for the preceding taxable year.

(4) Any penalty imposed by subsections (1), (2), or (3), of this section, shall be assessed, collected, and paid in the same manner as if it were a deficiency.

(5) Every tax imposed by this Act, and all increases, interest and penalties thereof, shall become a personal debt to the state from the taxpayer or other person liable therefor from the time it is due and payable.

Section 15. Every individual taxpayer having an adjusted gross income of one thousand dollars (\$1,000.00) or over shall each year, make under oath to the department of revenue a return stating specifically the items of his gross income and his ordinary and necessary expenses incurred in earning this gross income. Returns made on the basis of the calendar year shall be made on or before the fifteenth day of April following the close of the calendar year. Returns made on the basis of a fiscal year shall be made on or before the fifteenth day of the fourth month following the close of the fiscal year. The department may grant a reasonable extension of time for filing returns under such rules and regulations as it shall prescribe.

Every partnership and every fiduciary (except receivers appointed by authority of law in possession of part only of the property of a taxpayer) shall make a return showing such facts as shall allow the department of revenue to correctly enforce this Act. Such returns shall be filed at the same time that individuals and corporations are required to file returns.

Every corporation, joint stock company, or association subject to the provisions of this Act shall make a return to the department of revenue for each taxable year stating specifically the items of its gross income and the necessary and ordinary business expenses incurred in earning this income. The return shall be sworn to by the president or other principal officer, and by the treasurer or assistant treasurer. In cases where a receiver, a trustee, or an assignee is operating the business of a corporation, such receiver, trustee, or assignee shall make returns for such corporation. Returns made on the basis

of the calendar year shall be made on or before the fifteenth day of April following the close of the calendar year. Returns made on the basis of a fiscal year shall be made on or before the fifteenth day of the fourth month following the close of the fiscal year. The department may grant a reasonable extension of time for filing returns under such rules and regulations as it shall prescribe.

Section 16. Any person or corporation, joint stock company, or association liable for tax under this Act, who shall fail to make returns as required by this Act within the time allowed or who shall fail to pay such tax shall be liable for a penalty of ten percent of such tax which may be assessed and collected as a part of the tax. The tax provided for in this Act shall be assessed and fixed by the department of revenue. Where the department of revenue determines that the amount due is different from that shown by the taxpayer's return, notice of such different amount shall be given to the taxpayer by registered mail, return receipt requested, giving the taxpayer notice of the amount so fixed, and the department shall fix a day, not less than fifteen days from date of such notice, for hearing any protest of the taxpayer. The time and place of such hearing shall be designated by such notice. Upon hearing such protest or if the taxpayer fails to appear on the day set, the department of revenue shall finally fix, determine, and assess the amount of tax due and notify the taxpayer thereof by registered mail. Within thirty days from the date of mailing the letter advising the taxpayer of such assessment the taxpayer may appeal from such assessment in the same manner as from assessments made by the department of revenue as provided for in Title 51, Code of Alabama 1940.

Any person or corporation failing or refusing to make a list or return required by this Act, or rendering a willfully false or fraudulent list or return, shall be assessed by the department of revenue on account of such tax in such manner as appears to it from the best information obtainable, either by examination of the defaulting taxpayer or any other evidence. In case of failure or neglect to make such list or return, the department of revenue may at its discretion add a penalty of not more than twenty-five percent as a penalty to the amount of the tax due; and in the case of a willfully false or fraudulent return or list having been rendered, the department of revenue shall add a penalty of not more than fifty percent as a penalty to said tax.

Section 17. The proceeds of the tax hereby levied shall be remitted by the state department of revenue to the state treasurer. All proceeds, less the amount appropriated to pay the cost of collection, are hereby appropriated to the Alabama Special Educational Trust Fund. There shall be appropriated each fiscal year to the state department of revenue the amount necessary

to defray the expense of collecting the tax hereby imposed, which amount shall be deducted from the proceeds of the tax. It is provided, however, that the appropriation shall be budgeted and allotted in the manner prescribed by Article 3, Chapter 4, Title 55, Code of Alabama (1940).

Section 18. Nothing in this Act shall be construed to require declarations of estimated income to be filed by estates and trusts.

Section 19. Any laws or parts of laws in conflict with this Act are hereby repealed.

Section 20. The provisions of this Act are hereby declared to be severable; and should any section, term, or provision herein be declared unconstitutional, such declaration shall not in any manner affect the remaining sections, terms, or provisions of this Act.

Section 21. This Act shall become effective upon the ratification of an amendment of the Constitution of Alabama relating to the levy of a tax on gross income; the operation of the Act depends upon the ratification of such amendment; if the amendment is not ratified and proclaimed as prescribed by law, this Act shall have no effect whatsoever.

Approved September 2, 1955.

Time: 10:15 A.M.

Act No. 328

S. 266—Reeves.

AN ACT

To amend further Section 7 of Title 60, Code of Alabama (1940), which relates to the widows of Confederate veterans who are entitled to pensions.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 7 of Title 60, Code of Alabama (1940), as amended by an Act approved September 19, 1947, is amended further to read as follows:

“The widow of any soldier or sailor in the service of the State of Alabama or the Confederate States of America such as is set forth in the preceding section, who was married to such soldier or sailor prior to January first, 1904, or was married to such soldier or sailor for at least five years prior to the time of his death, regardless of whether his death occurred before or after the effective date of this chapter; and who has not remarried except as provided in the following section, and who was not at the time of her husband’s death separated from him by divorce or was not voluntarily living apart from her husband during the

period of one year prior to his death and whose husband did not desert the service of the State of Alabama, or the Confederate States, and who is an actual bona fide resident of Alabama and has been such for a period of five years prior to the filing of said application shall be entitled to relief under the provisions of this chapter."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 2, 1955.

Time: 10:16 A. M.

Act No. 329

S.228—Cooper

AN ACT

To propose and provide for an amendment to the Constitution of Alabama of 1901 providing that obligations hereafter incurred and securities hereafter issued by a municipality having a population of less than 6,000 inhabitants for the purpose of acquiring, providing or constructing sanitary or storm water sewers, street or sidewalk improvements, or school houses, shall not under certain circumstances be deemed to constitute an indebtedness of such municipality within the meaning of Section 225 of said constitution.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is hereby proposed:

"Obligations hereafter incurred and securities hereafter issued for any of the following purposes and under the following circumstances by a municipality having a population of less than six thousand inhabitants shall not be deemed to constitute indebtedness of such municipality within the meaning of Section 225 of this Constitution: (a) for the purpose of acquiring, providing or constructing sanitary or storm water sewers, or street or sidewalk improvements, the cost of which, in whole or in part, is to be assessed against the property drained, served or benefited by such sewers or abutting such improvements; or (b) for the purpose of acquiring, providing or constructing school houses, provided that there shall be pledged for payment of the principal of and interest on such obligations or securities a tax which the governing body of such municipality shall have determined, upon the basis of its estimate of the revenues from said tax, will be sufficient to pay said principal and interest at their respective maturities."

Section 2. An election on the proposed amendment is ordered to be held on the first Tuesday following the expiration of three months after the final adjournment of the 1955 Regular

Session of the Legislature. At said election the qualified electors shall vote on said proposed amendment, and on the official ballot provided for such election there shall be printed the following:

“Shall the following be adopted as an amendment to the Constitution of Alabama?”, after which there shall be set forth verbatim the amendment proposed in Section 1 of this act, after which there shall be printed the word “Yes” and immediately under that word there shall be printed the word “No”. Space shall be provided on each ballot for the elector to indicate his choice by a cross mark opposite the word expressing his desire.

Section 3. Notice of the election on the proposed amendment shall be given by proclamation of the Governor published in a newspaper in each county in the state once a week for four successive weeks next preceeding the day herein appointed for the election, and in any county in which there may be no newspaper published the notice shall be posted at each court house therein. The expenses of the election shall be paid out of the State Treasury. There is hereby appropriated out of the General Fund of the State such sum as may be necessary to defray the expenses of the election.

Constitutional Amendment

Passed the Senate August 12, 1955

Passed the House August 30, 1955

Act No. 330

H. 830—Kelly

AN ACT

To propose an amendment to the Constitution of Alabama relating to the levy and collection of additional property taxes in Winston County for public school puposes and for public hospital and health purposes; authorizing the county, or any public corporation designated as the agency of the county for the purpose of acquiring, constructing, equipping, maintaining and operating hospital and public health facilities to anticipate one-half of the tax levied for public hospital and health purposes and issue interest bearing tax anticipation bonds, warrants or certificates of indebtedness of said county payable solely from and secured by a pledge of one-half of the annual proceeds of such tax.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed, and shall become valid as a part thereof when ratified and proclaimed as provided by law:

Proposed Amendment

“In addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, the governing body of Winston County is hereby authorized to levy and collect a special

county advalorem tax on real and personal property only situated within said county, at a rate not exceeding three mills on each dollar's worth of said real and personal property, as assessed for state taxation for the preceding tax year, the proceeds of the tax to be used exclusively for public school purposes; and also to levy and collect a special tax not exceeding two mills on each dollar's worth of said taxable property, to be used exclusively for the purpose of acquiring, constructing, equipping, maintaining and operating a county hospital, other public hospitals, non-profit hospitals and public health facilities, including nursing homes, public health centers and laboratory facilities; provided such taxes are authorized by a majority of the qualified electors of the county voting at an election held for such purpose. Such an election may be called at any time by the governing body of the county and must be called when a petition is filed with the chairman or any member of said governing body requesting that such an election be held, if such petition is signed by as many as one hundred qualified electors of the county. The election shall be conducted in the manner which the governing body prescribes.

"Whenever the tax for hospital and public health purposes shall have been voted the governing body of the county may anticipate one-half of the proceeds therefrom for any one or more of the purposes for which the tax shall be voted, by issuing, without further election, interest bearing tax anticipation bonds, warrants, or certificates of indebtedness of said county payable solely from and secured by a pledge of not more than one-half of the annual proceeds from said tax received by the county.

"The governing body of the county shall have the further power to designate as the agency of the county to acquire, construct, equip, operate and maintain public hospital facilities any public corporation heretofore or hereafter organized for hospital purposes in the county under any general law heretofore or hereafter enacted by the Legislature. When a public corporation shall be so designated, the proceeds of said tax thereafter collected shall be paid over to it and shall be used by it for anyone or more of the purposes for which the tax shall have been voted; provided, that payment of the proceeds of said tax to said public corporation shall be made only to such extent as will not result in the impairment of the obligation of any contract theretofore made with respect to said tax. If the county governing body has not anticipated the proceeds of said tax and pledged such proceeds to the payment of moneys borrowed for the purposes for which such tax was levied, prior to designating such public corporation as the agency of the county, said public corporation may anticipate one-half of the proceeds from said tax so required to be paid to it by issuing, for any one or more of the purposes for which the tax shall have been voted, the bonds, warrants, or certificates of indebtedness of said public corporation, and may

pledge for the payment of the principal thereof and interest thereon not exceeding one-half of the annual proceeds from said tax so paid to it.

"The county, and in the event a public corporation shall have been designated as the agency of such county pursuant to the provisions hereof, then said public corporation, shall have the power to contract with any other county or similar public corporation with respect to the acquisition by purchase, lease, or otherwise, and the construction, equipment, operation, and maintenance of public hospital facilities outside of the county and within any zone or region of which the county may be a part, and which may have heretofore been established or may hereafter be established for public hospital purposes by the Legislature or by any agency designated by it, the obligations of such contract to be payable solely out of the proceeds of said tax; provided, that the proceeds of said tax shall not be used outside of the county for any purpose for which the proceeds could not be used in the county, and shall not be used with respect to public hospital facilities located outside of the county if the tax is voted specifically for public hospital facilities located in the county.

"No securities issued or contracts made by a county under the authority of this amendment which are payable solely out of the proceeds of said tax, and no securities issued or contracts made by any such public corporation, whether or not issued or made under the authority of this amendment, shall be construed to be bonds of the county or of a political subdivision thereof within the meaning of Section 222 of the constitution, or construed to create or constitute an indebtedness of the county within the meaning of Section 224 of the constitution. Said securities shall be construed to be negotiable instruments notwithstanding the fact that they may be payable solely from a limited source. All pledges of said tax and all contracts made with respect thereto pursuant to the provisions of this amendment shall take precedence in the order in which they are made and shall create a charge on one-half of the proceeds of said tax prior to the expenses of operating and maintaining any public hospital facilities.

"This amendment shall be self-executing."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama (1940).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which

proclamation shall be published once a week for four successive weeks next preceeding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment

Passed the House August 5, 1955.

Passed the Senate August 26, 1955.

Act No. 331

H. 977—Fite

AN ACT

To propose an amendment to the Constitution of Alabama relative to the industrial development of Marion County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment of the Constitution of Alabama is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

Proposed Amendment

“Any provision of the constitution or laws of the state of Alabama to the contrary notwithstanding, Marion County shall have full and continuing power and authority, without any election or approval other than the approval of its governing body, to do any one or more of the following:

“1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind.

“2. To lease, sell for cash or on credit, exchange, or give and convey any such property described in subdivision 1 above, to any person, firm, association or corporation.

“3. To promote local industrial, commercial or agricultural development and the location of new industries or businesses therein.

“4. To become a stockholder in any corporation, association, or company.

“5. To lend its credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever.

“6. To become indebted and to issue and sell interest-bearing bonds, warrants (which may be payable from

funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subdivision 1 above or to be used in furtherance of any of the other powers or authorities granted in this amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subdivision 8 of this amendment) be issued upon the full faith and credit of the county or may be limited as to the source of their payment.

"7. To levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property therein as determined for state taxation, in the same manner as other county taxes are levied and collected. Such tax may be upon all property in Marion County or upon all property in any district the boundaries of which the governing body of such county shall describe and which it shall determine to be specially improved and benefited by any proposed use or expenditure of the proceeds of such tax.

"8. To construct a dam or system of dams, and to acquire a site or sites therefor, on any public stream flowing within the county for the purpose of impounding waters to be used in irrigation projects, or in generating hydroelectric power, or in providing recreational facilities, or for other purposes, and to accept any funds by way of gift, grant, or loan from the federal government, or any agency or instrumentality thereof, for the purpose of constructing such dam or system of dams.

"9. To pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it.

"10. To create a public authority or corporation having such powers, managed and governed by such board or governing body and subject to such limitations as the governing body of Marion County may impose, by approving and filing a certificate to that effect in the office of the judge of probate or the secretary of state, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this amendment upon the county.

"The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes, or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of Marion county for the purpose of determining the borrowing capacity of such county under section 224 of the constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in section 215 of the constitution and all amendments thereto.

"This amendment shall be self-executing; but the legislature shall have the right and power by general, special or local act to adopt laws supplemental to this amendment or in furtherance of the purposes and objectives hereinabove set forth."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama (1940).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceeding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House August 19, 1955.

Passed the Senate August 26, 1955.

Act No. 332.

H. 617—Hawkins, Dawkins, Hall,
Harrison, Gist, Speaks,
Oden, Gregory, Hanby,
Goodwyn, Nolen, Fite.

AN ACT

To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing the issuance for school building

purposes of not exceeding \$110,000,000 principal amount of general obligation bonds of the State of Alabama, additionally secured by a pledge of certain state taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed:

"The State is authorized to become indebted for school building purposes, and in evidence of the indebtedness so incurred to sell and issue, in addition to all other bonds of the State, interest bearing general obligation bonds of the State not exceeding \$110,000,000 in principal amount. The proceeds of all such bonds shall, after payment of the expenses of issuing same, be distributed as follows: Seventy-six and nine-tenths per centum (76.9%) thereof shall be allocated and distributed to county and city school systems on a teacher unit basis in accordance with the minimum school program, to be spent in accordance with regulations of the State Board of Education and statutes governing school building construction; Six and three-tenths per centum (6.3%) thereof shall be allocated and paid to The Board of Trustees of the University of Alabama; Six and three-tenths per centum (6.3%) thereof shall be allocated and paid to the Alabama Polytechnic Institute; Five-tenths of one per centum (0.5%) thereof shall be allocated and paid to Alabama College; Five and nine-tenths per centum (5.9%) thereof shall be expended on the state institutions of higher learning under the State Board of Education, including Alabama Agricultural and Mechanical College, Alabama State College, and the State Teachers' Colleges; two and seven-tenths per centum (2.7%) thereof shall be expended on trade schools; five-tenths of one per centum (0.5%) thereof shall be allocated and paid to The Board of Trustees of the University of Alabama for the construction of facilities for mental health education; and nine-tenths of one per centum (0.9%) thereof shall be allocated and paid to the Alabama Institute for Deaf and Blind. All of said proceeds so allocated and expended shall be used solely for the acquisition of school and college building sites, for the construction, reconstruction, alteration, and improvement of school and college building facilities, including renewal and replacement of structural parts, and for the procurement of equipment for school and college buildings.

"The Legislature shall adopt appropriate enabling legislation to carry out the intent of this constitutional amendment; and shall provide that all bonds issued under this amendment shall be sold only at public sale and none thereof shall be sold for less than the face value thereof.

"All bonds issued under this amendment shall be direct general obligations of the State of Alabama, and for the prompt and

faithful payment of the principal thereof and interest thereon the full faith and credit of the State are hereby irrevocably pledged. In addition thereto, there is hereby specially and irrevocably pledged for payment of the principal of and interest on all bonds issued hereunder, pro rata and without priority of one bond over another, by reason of prior issuance or otherwise, so much as may be necessary for said purpose of that portion of the proceeds of all state taxes, except the income tax, that is required by law, at the effective date of this amendment, to be paid into the Alabama Special Educational Trust Fund. The pledge herein made shall create a charge on the tax proceeds herein specially pledged prior to all other charges or expenses for educational or any other purposes whatsoever. All bonds issued under this amendment and the income therefrom shall be exempt from all taxation in the State of Alabama. The provisions of Section 261 of the Constitution of Alabama shall not be deemed to apply to the tax proceeds pledged herein nor to the proceeds from any bonds issued hereunder."

Section 2. An election upon the proposed amendment is hereby ordered to be held on the first Tuesday following the expiration of three months after the final adjournment of this Session of the Legislature of Alabama. At the said election the qualified electors shall vote on said proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to the Constitution of Alabama?", after which there shall be set forth verbatim the amendment proposed in Section 1 of this act, and after which there shall be printed the word "yes" and immediately under that word there shall be printed the word "No". Space shall be provided on each ballot for the elector to indicate his choice by a cross mark opposite the word expressing his choice.

Section 3. Notice of the election on the proposed amendment shall be given by proclamation of the Governor published in a newspaper in each county in the State once a week for four successive weeks next preceding the day herein appointed for the election, and in any county in which there may be no newspaper published the notice shall be posted at each court house therein. The expenses of the election shall be paid out of the State Treasury. There is hereby appropriated out of the General Fund of the State such sum as may be necessary to defray the expenses of the election.

Constitutional Amendment.

Passed the House July 26, 1955.

Passed the Senate August 30, 1955.

The House concurred in Senate Amendment August 30, 1955. Filed with Secretary of State September 2, 1955.

Act. No. 333

S. 35—Shelton, Roberts, Allen and
Flowers**AN ACT**

To propose an amendment to the Constitution of Alabama relative to the authorization of additional taxes on the taxable property within each school district in each county of the State of Alabama for public school purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed to become valid as a part thereof when ratified and proclaimed as provided by law:

“In all counties in this State in which there are no city school systems, the county shall have power to levy and collect additional taxes not exceeding \$.55 on each \$100 worth of taxable property in such counties for public school purposes, and in all other counties each school district of each county shall have power to levy and collect additional taxes on the taxable property located in the district of not to exceed \$.55 per \$100 worth of taxable property located in the district for public school purposes; provided, that the total of special county and school district taxes levied in the district for public school purposes under Section 269 of this constitution and all amendments to this constitution including the present amendment shall not exceed a rate of \$1.25 per \$100 worth of taxable property located in the district, except that in determining whether the said rate of \$1.25 per \$100 will be exceeded there shall be excluded from such calculation taxes levied and collected under the authority of Amendment VI to this constitution and amendments wherein it is stated that the adoption thereof shall not affect the power right or authority to levy special school taxes; provided further, that the adoption of this amendment shall in no wise limit, modify, abridge, or impair the power, authority or right of counties, municipalities, or school districts to levy and collect special school taxes or taxes of any kind for schools or school purposes vested in and conferred upon them, or any of them by this constitution, any amendment thereto, or any provisions of state law, or to make appropriations for schools or school purposes.

“A school district under the meaning of this section shall include school districts which consist of incorporated cities or towns, or any school district of which an incorporated city or town is a part of such other school districts now existing or hereafter formed as may be approved by the county board of education.

“The rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the district and voted for by a majority of those voting at such election.

"The funds derived from the tax levied in any school district under this amendment shall be expended for the exclusive benefit of the district."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama (1940).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment

Passed the Senate July 19, 1955

Passed the House as amended August 30, 1955.

Act No. 334

H.954—Gregory

AN ACT

Relating to Blount County; abolishing the Board of Revenue of Blount County and creating in lieu thereof a Board of Finance and Control; providing for the organization, powers, jurisdiction, and duties of the board; providing for the qualifications, election, term, powers, duties, authority, compensation, and traveling expenses of the members of the board.

Be It Enacted by the Legislature of Alabama:

Section 1. The Board of Revenue of Blount County is hereby abolished and there is created in lieu thereof the Board of Finance and Control, to be composed of a chairman and four associate members.

Section 2. Immediately upon the effective date of this Act the Governor shall appoint a person who is a qualified elector and legal resident of Blount County to serve as chairman of the Board of Finance and Control until the first Monday after the second Tuesday in January, 1961, and until his successor is elected and qualified. The incumbent members of the Board of Revenue, other than the chairman, shall continue to serve as members of the Board of Finance and Control until their successors shall have been elected and qualified, as herein provided. A chairman of the board shall be elected at the general election

to be held in 1960, and every four years thereafter. The chairman of the board shall be elected from the county-at-large by the qualified electors of the entire county. A candidate for chairman must be a qualified elector and legal resident of Blount County. One associate member of the board shall be elected from each of the four districts into which the county is now divided by law for the purpose of electing members of the county governing body of Blount County. A candidate for associate member of the board must be a qualified elector and legal resident of the district he seeks to represent and shall continue to reside therein during his continuance in office. Associate members of the board from Districts 1 and 3 shall be elected at the general election to be held in 1958, and every four years thereafter. Associate members of the board from Districts 2 and 4 shall be elected at the general election to be held in 1956, and every four years thereafter. The chairman and associate members of the board shall hold office for terms of four years from the first Monday after the second Tuesday in January next succeeding their election and until their successors are elected and qualified.

Section 3. The chairman of the board shall receive a salary of four thousand two hundred dollars (\$4,200.00) per annum, payable in equal monthly installments, plus an allowance not to exceed fifty dollars (\$50.00) per month for expenses incurred in traveling on official county business outside the county. Each associate member of the board shall receive a salary of three thousand dollars (\$3,000.00) per annum, payable in equal monthly installments, plus mileage at the rate of seven cents (\$.07) per mile for each mile traveled on official county business, but the mileage provided herein shall not exceed fifty dollars (\$50.00) per month. A part of the salaries of the chairman and associate members may be paid out of the county gasoline tax revenues, provided that the part of such salaries so paid out of county gasoline tax revenues shall bear the same proportion to the total salary paid to such member as the time devoted by such member to supervising, inspecting, accepting, building, or repairing county roads and bridges bears to the total time devoted by such member to all his duties as a member of the Board of Finance and Control. The board shall determine the proportion of such salaries to be paid out of county gasoline revenues.

Section 4. The Board of Finance and Control shall have all the jurisdiction and powers which are, or which hereafter may be, vested in courts of county commissioners, boards of revenue, or like county governing bodies by the general laws of this State, or vested in the governing body of Blount County by local law; and the chairman and members of the board shall perform all the duties and services and exercise all the powers which are, or which hereafter may be, provided by the general laws of this State for the chairman and members, respectively, of courts of

county commissioners, boards of revenue, or like county governing bodies, or for the chairman and members of the governing body of Blount County by local law. When duly authorized by the board, the chairman shall serve as purchasing agent for the county, and shall purchase all books, stationery, supplies, office equipment, printing and printing matter, blanks, forms, machinery, equipment, tools, materials, and contractual services for the county, and for every office, department, or instrumentality thereof, subject to the approval of the board.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 2, 1955.

Time: 4:15 P.M.

Act No. 335.

H.562—Callahan

AN ACT

To fix the salary of the stenographic secretary to the Circuit Solicitor of the Sixth Judicial Circuit of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary of the stenographic secretary to the Circuit Solicitor of the Sixth Judicial Circuit of Alabama shall be Thirty-six Hundred (\$3600.00) Dollars per annum, Twelve Hundred (\$1200.00) of this salary shall be paid by the State in the same manner as the salaries of other state officers are paid, and the remaining Twenty-four Hundred (\$2400.00) thereof shall be paid by Tuscaloosa County, from the general fund of said county, as the salaries of county officers are paid.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 2, 1955.

Time: 4:16 P. M.

Act No. 336

H. 1012—Brown (Lamar), Fite.

AN ACT

Proposing an amendment to the Constitution of Alabama relating to the powers and authority of the court of county commissioners, board of revenue, or like governing body of Marion and Lamar counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part thereof when approved by the qualified electors and proclaimed by the Governor as prescribed by law:

Proposed Amendment

All funds derived from fees, excises, or license taxes levied or imposed by the State relating to the registration, operation, or use of motor vehicles upon the public highways, except taxes levied by the State or gasoline or motor fuels, which are distributed to, or allocated for the use of Marion and Lamar counties under state law, or otherwise, may be expended by the court of county commissioners, board of revenue, or like governing body of the county to pay the cost of construction, reconstruction, maintenance and repair of public highways and bridges, the cost of acquiring highway rights-of-way, the cost of traffic regulation, the expense of enforcing traffic and motor vehicle laws, and for such other general purposes as such court, board, or body may prescribe, any provisions of this Constitution to the contrary notwithstanding.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama (1940).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House August 26, 1955.

Passed the Senate September 2, 1955.

Act No. 337

H.480—Brannan, Kendall

AN ACT

Proposing an amendment of the Constitution of 1901 authorizing the levying of special taxes for public hospital purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment of the Constitution of 1901 is proposed, and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon as prescribed by law:

Proposed Amendment

"If the tax is authorized by vote of a majority of the qualified electors of one or more beats or precincts of a county which are contiguous to each other, at an election called for that purpose, the governing body of the county must levy and collect, in addition to all other taxes authorized by law, a special tax not exceeding four mills on each dollar of taxable property in the area affected, the proceeds of which shall be used exclusively for acquiring, by purchase, lease, or otherwise, and constructing, operating, equipping, and maintaining a public hospital or other public health facilities. An election must be called within three months after receipt by the county governing body of a petition signed by not less than five percent of the qualified electors of each beat or precinct to be affected by the tax. The election shall be held and conducted in such manner and in accordance with such rules and regulations as the governing body of the county may prescribe. Whenever the tax shall be approved, the governing body of the county may anticipate the proceeds therefrom for any one or more of the purposes for which the tax shall have been voted, by issuing, without further election, interest bearing tax anticipation bonds, warrants, or certificates of indebtedness payable solely from and secured by a pledge of not exceeding seventy-five percent of the annual proceeds from said tax. The governing body of each county in which the tax may be voted shall have the further power to designate as the agency of the county to acquire, construct, equip, operate, and maintain such hospital facilities any public corporation heretofore or hereafter organized for hospital purposes in the county under any general law heretofore or hereafter enacted by the Legislature. The issuance of such bonds and the power and authority of the county governing body with respect thereto shall be governed by the provisions of Amendment LXXVII approved December 13, 1949, and proclaimed on December 21, 1949 (Proclamation Record, Volume H., p. 15, Office of the Secretary of State, State of Alabama). The provisions of this Amendment shall not apply to or in the counties of Jefferson, Mobile, and Montgomery."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of

Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama (1940).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House August 16, 1955.

Passed the Senate September 2, 1955.

Act No. 338

H.835—Kendall, Dawkins, Hawkins,
Harrison

AN ACT

To propose an amendment to the Constitution of Alabama authorizing the State of Alabama to assist in the erection, construction and equipping of hospitals, health centers, and related medical facilities within the State; and to that end to authorize the Governor of Alabama to issue and sell negotiable interest-bearing bonds in the amount not to exceed \$2,000,000 in addition to the bonds heretofore authorized; and to provide for the prompt and faithful payment of the principal and interest on such bonds and for the retirement thereof; and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held the first Tuesday after the expiration of three months from and after the final adjournment of the regular session of the Legislature.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

Amendment

“(a) Notwithstanding anything contained in the Constitution of the State of Alabama, or any amendment thereto heretofore adopted, the Governor shall from time to time issue negotiable interest bearing bonds for the purposes and in the manner and subject to the limitation stated in this amendment. The bonds shall be general obligations of the State of Alabama and the full faith and credit and taxing power of the State are hereby pledged to the punctual payment of the bonds and the interest thereon. The aggregate principal amount of all bonds issued hereunder shall not exceed two million (\$2,000,000) and they shall mature within ten years from the date of issuance.

The proceeds from the sale of such bonds are hereby appropriated and shall be used solely for the construction and equipping of hospitals, health centers, and related medical facilities pursuant to Act No. 211, General Acts of Alabama 1945, page 330, and approved July 7, 1945; and Act 287, General Acts of Alabama 1945, 474, approved July 7, 1945; and Act No. 46, General and Local Acts 1949, page 68, approved June 2, 1949; as said acts are now or may hereafter be amended; and such facilities established and operated by the corporate authorities of a city or town, or a county governing body under the provision of Title 22, Section 189, Code of Alabama 1940, as same is now or may hereafter be amended; or any act supplemental thereto or amendatory thereof. The funds provided hereby shall be used only for construction and equipping facilities under contracts which have been or are let on or after July 1, 1955; shall be used to match Federal funds available for hospital, health center, and related medical facilities provided under Public Law 725, 79th Congress and Public Law 482, 83rd Congress, as said Public Laws are now or may hereafter be amended; and that the local governments in the area where each hospital, health center, or related medical facility is to be constructed or equipped shall contribute at least as much money for the construction and equipping as does the State; and provided further that the State shall not contribute more than two hundred and fifty thousand (\$250,000) to the construction and equipping of any tuberculosis hospital or sanatoria and one hundred thousand (\$100,000) for any other facility included within the scope of this amendment.

In determining where a hospital, health center, or related medical facility to be constructed with funds appropriated herein shall be located, consideration shall be given to the communities on the basis of relative need. Each county having no hospital, health center or related medical facility shall have first priority. Counties receiving prior allotments hereunder shall not be precluded from receiving an additional allotment for other facilities at the discretion of the State Board of Health. A sum not to exceed forty thousand dollars (\$40,000) may be used by the State Board of Health from the proceeds of the sale of said bonds for administering the provision of this amendment.

(b). All bonds issued hereunder and the interest thereon shall be payable from any funds in the State treasury not otherwise appropriated. The bonds shall be payable in substantially equal installments of principal and interest beginning in the next fiscal year after their date; they shall bear interest at a rate not to exceed $2\frac{1}{2}\%$ and they shall contain a provision for their call for payment at such a time or times prior to maturity, and at such a premium, if any, as the governor may prescribe

in the notice of sale. All bonds issued hereunder shall be sold to the best bidder at a duly advertised public sale, on sealed bids or at auction, and shall not be sold for less than par and accrued interest; provided, bidders may be invited to name the rate or rates of interest, which the bonds are to bear. The right to reject any or all bids shall be reserved.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months after final adjournment of the present session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama (1940).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House August 19, 1955, as amended.

Passed the Senate September 2, 1955.

Act No. 339

S.188—Cooper

AN ACT

To regulate further the office of circuit solicitor of the Fourth Judicial Circuit of Alabama: Creating a solicitor's fund for the use of the circuit solicitor.

Be It Enacted by the Legislature of Alabama:

Section 1. All solicitor's fees hereafter taxed as costs and collected in the circuit court in the Fourth Judicial Circuit in accordance with the provisions of Section 85 of Title 11, Code of Alabama (1940), as amended, shall be paid into the county treasury where the fee is imposed and collected to the credit of a solicitor's fund, to be used and expended by the circuit solicitor as provided in Section 2 of this Act.

Section 2. The circuit solicitor of the Fourth Judicial Circuit is hereby authorized and empowered to requisition expenditures from the solicitor's fund for the payment of any and all expenses necessarily incurred by him in the proper discharge and conduct of the duties of his office, as he may see

fit, provided such requisition is first approved by one of the judges of the circuit court of the county.

Section 3. Solicitor's fees paid and accumulated as provided in this Act in the county treasury shall not exceed one thousand dollars in any one year; and no such fund shall be accumulated under this Act in any county in the circuit where such a fund or a similar fund is provided for by any other general, special, or local law.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This bill became an act on September 6, 1955, without approval by the Governor.

Act No. 340

S. 316—Robison

AN ACT

To make an appropriation for the promotion and advertisement of Alabama through sponsorship of the Blue and Gray Football Game.

Be It Enacted by the Legislature of Alabama:

Section 1. The Legislature finds that the Blue and Gray Game played each year in the City of Montgomery advertises the State throughout the country, creates good will between the citizens of this State and the citizens of other States, and promotes the interests and welfare of the people of the whole State; therefore, the sum of thirteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated from any funds in the state treasury not otherwise appropriated for each year of the following biennium; thirteen thousand dollars for the fiscal year 1955-1956, and thirteen thousand dollars for the fiscal year 1956-1957, for the purpose of promoting and advertising Alabama through sponsorship of the Blue and Gray Football Game played in December in the City of Montgomery. The funds hereby appropriated shall be paid out of the Treasurer upon the requisition or order of the Blue and Gray Committee or the Montgomery Lions Club, when approved by the Governor. The appropriation herein made is conditional upon the condition of the treasury and the approval of the Governor.

Section 2. This Act shall become effective October 1, 1955.

Approved September 2, 1955.
Time: 9:15 P.M.

Act No. 341

H. 17—Davis, Hawkins, Stembridge, Shumate, Oden, Branyon, Brown (Lamar), Gregory, Dawkins, Edwards (Escambia), Wood.

AN ACT

To create a State Department of Pensions and Security, a State Board of Pensions and Security, county departments of pensions and security, and county boards of pensions and security; to create the chief executive officer who shall be known as the Commissioner of the State Department of Pensions and Security who shall exercise all the rights, powers, authority, and duties thereof; to define the powers and duties of the State Department, of the State Board, of the county departments, and of the county boards; to transfer and confer upon the Department of Pensions and Security all the powers and duties now or hereafter vested in the Department of Public Welfare; to provide that "old age assistance" shall be known as old age pensions; and to provide that the Department of Pensions and Security be substituted for Department of Public Welfare in any litigation pending to which the Department of Public Welfare is a party.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created a State Department of Pensions and Security. Wherever in the laws of the State of Alabama the term, "State Department of Public Welfare" is used the same shall mean the State Department of Pensions and Security. All the rights, duties, powers, and authority now or hereafter vested by law in the State Department of Public Welfare are hereby transferred to and vested in the State Department of Pensions and Security and all rights, powers, duties, and authority, whether clerical, executive, administrative, judicial or quasi-judicial now vested by law in the State Department of Public Welfare or in the members thereof, shall be vested in the State Department of Pensions and Security hereby created and shall be exercised by it, together with any additional rights, powers, duties, and authority as hereafter may be provided by law. The jurisdiction, functions, funds, effects, and personnel of the State Department of Public Welfare are hereby transferred to the State Department of Pensions and Security and covered with their current status.

Section 2. The chief executive officer of the State Department of Pensions and Security shall be known as the Commissioner of the State Department of Pensions and Security. Wherever in the laws of the State of Alabama the term, "Commissioner of the State Department of Public Welfare" is used the same shall mean the Commissioner of the State Department of Pensions and Security. All the rights, powers, duties, and authority vested in the State Department of Pensions and Security shall be exercised by the Commissioner of the State Department of Pensions and Security.

Section 3. There is hereby created a State Board of Pensions and Security. Wherever in the laws of the State of Alabama the term, "State Board of Public Welfare" is used the same shall mean the State Board of Pensions and Security. Except as otherwise provided, all the rights, powers, duties, and authority now or hereafter vested by law in the State Board of Public Welfare and the members thereof are hereby transferred to and vested in the State Board of Pensions and Security.

Section 4. There is hereby created in each county, a county department of pensions and security. Wherever in the laws of the State of Alabama the term, "county department of public welfare" is used the same shall mean the county department of pensions and security. Except as otherwise provided, all the rights, powers, duties, and authority now or hereafter vested by law in the county departments of public welfare and the members thereof are hereby transferred to and vested in the county departments of pensions and security and all rights, powers, duties, and authority, whether clerical, executive, administrative, judicial or quasi-judicial now vested by law in the county departments of public welfare or in the members thereof shall be vested in the county departments of pensions and security hereby created and shall be exercised by them, together with any additional rights, powers, duties, and authority as hereafter may be provided by law. The jurisdiction, functions, funds, effects, and personnel of the county departments of public welfare are hereby transferred to the county departments of pensions and security and covered with their current status. It is provided, however, that members of employees of such county departments who work in a professional capacity with clients over the age of 65 shall be known as "pension counsellors" rather than "case workers."

Section 5. There is hereby created in each county a county board of pensions and security. Wherever in the laws of the State of Alabama the term, "county board of public welfare" is used the same shall mean the county board of pensions and security. Except as otherwise provided, all the rights, powers, duties, and authority now or hereafter vested by law in the county boards of public welfare and the members thereof are hereby transferred to and vested in the county boards of pensions and security.

Section 6. It is provided that wherever in the laws of the State of Alabama the term, "old age assistance" is used the same shall mean old age pensions.

Section 7. Whenever there is any litigation pending to which the Department of Public Welfare is a party, whether plaintiff or defendant, the Department of Pensions and Security is herein substituted for the Department of Public Welfare and

the litigation may proceed as if begun originally by or against the Department of Pensions and Security.

Section 8. All laws or parts of laws in conflict herewith are hereby repealed.

Section 9. This Act shall become effective on October 1, 1955.

Approved September 5, 1955.

Time: 8:45 A.M.

Act No. 342

H. 41—Oden, Fite, Davis, Selman, Shumate, Hawkins, Kendall, Lee (Lawrence), Brown (Lamar), Vacca, Wood, Money, Edwards (Escambia), Speaks, Ferrell, Murphy, Simon, Tyson, Broadfoot, Branyon, Gregory, Kelly.

AN ACT

Providing further for state planning and industrial development; abolishing the State Planning Board as now constituted, and creating in lieu thereof the State Planning and Industrial Development Board; providing for the selection of the members of the Board, and prescribing their powers, duties, terms, qualifications, and compensation; vesting the authority, functions, funds, effects, and personnel of the State Planning Board in the State Planning and Industrial Development Board; prescribing the authority and functions of the State Planning and Industrial Development Board; and providing for the appointment of a director of the Board, and prescribing his powers, duties, term, qualifications, and compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. The State Planning Board created by Act No. 183, H. 62, approved June 18, 1943 (General Acts of Alabama, 1943, page 163), as now constituted, is abolished, and there is created and established the State Planning and Industrial Development Board in lieu thereof. The State Planning and Industrial Development Board shall consist of one member appointed by the Governor for each congressional district in the State; and the Governor, as chairman of the Board, the Commissioner of Agriculture and Industries, the Commissioner of Revenue, the State Highway Director, and the Director of State Docks, as members by virtue of their offices. When appointing members of the Board, the Governor shall select citizens who are outstanding in the fields of manufacture and processing, business and commercial enterprise, engineering and industrial development, natural resources, electric and gas utilities, industrial

real estate and industrial property management, banking and finance, labor relations, and mass communications.

Before entering upon the discharge of their duties, the appointive members of the State Planning and Industrial Development Board shall take the oath of office prescribed for other state officers. The appointive members of the Board shall hold office only during the tenure of the Governor making the appointment, and until their successors are appointed and qualified. The Governor may remove any appointive member of the Board who fails to attend its meetings regularly or to perform properly his duties as a member of the Board, by notifying the member in writing of his removal. The appointive members of the Board shall be paid ten dollars (\$10) per day for each day they are engaged in the performance of their duties, and each such member shall be paid the actual and necessary expenses incurred in the performance of his duties as a member of the Board when approved by the chairman; provided, however, that except upon the call of the Governor, members of the Board shall not be in session more than fifty days during any calendar year. Ex officio members of the Board shall receive no additional compensation for their services as members of the Board. The Board may have an appropriate seal with such words and emblem as it may prescribe. A majority of the Board shall constitute a quorum for the transaction of business. The secretary shall notify each member in writing of all meetings of the Board in such manner and under such rules and regulations as the Board may prescribe. The Board shall adopt rules and regulations for the transaction of its business; and the secretary shall keep a record of all its proceedings, and upon request, furnish a copy thereof to each member of the Board. No person holding a public office or public employment shall be eligible for appointment as a member of the Board.

Section 2. The Governor shall appoint a member to serve as vice-chairman of the Board. The Governor shall appoint a director, who shall be qualified by training and experience for the duties required of him. His term of office shall be at the pleasure of the Governor, and his compensation shall be fixed by the Board in an amount not to exceed ten thousand dollars (\$10,000) per annum. The director shall devote his entire time to his duties as director, and shall not, in a private capacity, perform any work or duties for, or except any gifts or compensation from any county, city, or other governmental unit, or from any person, firm, or corporation, for services rendered while he is serving as director of the Board. Neither the Board nor the director shall employ any member of the Board in any capacity. The director shall serve as secretary of the Board and shall be custodian of its books, records, and papers, which he shall keep at the office of the Board, and he shall perform any

and all functions and duties, and exercise any and all powers and authorities, that may be delegated to him by the Board. The director shall establish a division of local planning and such other divisions or units as may be necessary or convenient to the efficient and expeditious performance of the functions and duties of the Board. The division of local planning above referred to may enter into contractual arrangements with Alabama municipalities providing for technical planning services to assist each municipality in making and adopting a comprehensive municipal plan including such elements as a zoning plan and ordinance, subdivision regulations, a major street plan, a park and playground plan, an urban redevelopment plan and such related plans and studies as are necessary for a comprehensive municipal plan. The division of local planning is further empowered to enter into contracts with Federal agencies for the purpose of assisting Alabama municipalities to prepare comprehensive municipal plans. The division of local planning is also empowered to accept and expend money, grants-in-aid made available from any source, and to supplement Federal or local funds available for making local planning studies designed to produce a comprehensive municipal plan. The division of local planning is further empowered to enter into contracts with regional planning commissions in Alabama for the purpose of making a comprehensive plan for the region. The director may assign and re-assign functions and duties. All functions and duties of the Board shall be exercised by the director acting by and through such administrative divisions or units as he may determine, and he shall have all power and authority necessary or convenient to carry out the functions and duties of the Board, and the orders, rules, and regulations of the Board, subject, however, to the jurisdiction and direction of the Board. The appointment of chiefs of divisions and all other employees and personnel of the Board shall be made by the director subject to the provisions of the Merit System Act. The Board shall be provided with the necessary office space in the city of Montgomery or such other place as its needs may require.

Section 3. (a) The authority of the state planning board agency created by Act No. 183, H. 62, approved June 18, 1943 (General Acts of Alabama, 1943, page 163) to carry on a planning program including the preparation of a State master plan, as well as the authority to provide an assistance program to counties and municipalities in the preparation of comprehensive physical plans for such counties and towns, is hereby confirmed and continued. There are hereby vested in the State Planning and Industrial Development Board all the functions, powers, authority, duties, funds, books, records, furniture, fixtures, supplies, equipment, and personnel of the State Planning Board and of the director thereof; and the functions of the State Planning Board and of the director thereof shall be exercised hereafter by

the State Planning and Industrial Development Board and the director provided for in this Act.

(b) The authority of the State Bureau of Publicity and Information created by Act No. 712, Acts of Alabama, Regular Session, 1951, page 1250, to plan and conduct all state programs of information and publicity designed to attract tourists to the State of Alabama is hereby confirmed and continued. It is provided, however, that the director of the State Bureau of Publicity and Information shall cooperate to the fullest possible extent with the State Planning and Industrial Development Board toward the end that an integrated program of economic expansion and promotion may be pursued by the public agencies of this State.

(c) It is the purpose of this Act to impose responsibility for the administration of a comprehensive program of State planning and industrial development upon the State Planning and Industrial Development Board; and, to that end, the State Planning and Industrial Development Board, in addition to the foregoing powers, shall have the following authority:

1) To investigate and ascertain the industrial possibilities of the State and to seek to secure the development of the same.

2) To collect statistics in regard to industrial development in the State.

3) To make investigations as to any matter relative to industrial development and possibilities.

4) To cooperate in the fostering and development of the industrial interests of the State.

5) To cooperate especially in the promotion, establishment, and location of industries in the smaller municipalities and rural communities of the State which use as a raw material farm products of any character.

6) To cooperate with the state chamber of commerce, local chambers of commerce, and all local industrial boards to promote the purposes of this Act.

7) To aid, encourage, protect and promote existing industries and commercial enterprises of the State by any means deemed appropriate by the board.

8) To give technical research and advisory aids to existing industry and commerce in the State.

9) To advertise nationally the State industrial and commercial advantages.

10) To advocate advantages of location within the State to industrial and commercial prospects through personal contracts by travelling representatives, by furnishing specially prepared

studies, by correspondence, printed material and other appropriate means.

11) To maintain a staff of experienced personnel capable of providing prompt informed cooperation to industry and commercial enterprise.

12) To provide industrial and commercial prospects with up-to-date factual reports on available plant sites, buildings, warehouse and distribution locations and existing structures, labor, water, gas and electric power, taxes, wages and salaries and other basic locational data.

13) To conduct industrial and commercial prospects on field inspections of potential plant or commercial locations.

14) To assist cities, towns, counties, areas and regions in the survey and analysis of their industrial resources and needs.

15) To counsel on new or additional industrial plant or commercial building construction.

16) To co-ordinate and present effectively the interest, resources and advantages of every community in the State capable of meeting operational requirements of industrial and commercial prospects.

17) To bring the State's industrial and commercial opportunities to the attention of investors and other entrepreneurs both within and without the State and to foster increase of employment opportunities within the State.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 5, 1955.

Time: 8:50 A.M.

Act No. 343

H. 211—Hawkins, Edwards (Escambia), Money, Meeks.

AN ACT

To make annual appropriations for the support, maintenance, and development of public education in Alabama for each of the fiscal years ending September 30, 1956, and September 30, 1957, including all schools,

agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Board of Trustees of Alabama College, the Board of Trustees of the Alabama Polytechnic Institute, the Board of Trustees of the University of Alabama, the Board of Trustees of the Alabama Institute for Deaf and Blind, the Board of Trustees of the Alabama Boys Industrial School, the Board of Trustees of the Alabama Industrial School for Negroes, the Board of Trustees of the State Training School for Girls, the Alabama Educational Television Commission, and for the Teachers' Retirement System.

Be It Enacted by the Legislature of Alabama:

Section 1. The following appropriations from the Alabama Special Educational Trust Fund are hereby made for the support of public education in Alabama; and, except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Article 3, Chapter 4, Title 55, of the Code of Alabama 1904).

Section 2. DEPARTMENT OF EDUCATION. There is hereby appropriated for each of the fiscal years 1955-56 and 1956-57 to the Department of Education the following amounts:

For the fiscal year ending September 30, 1956:

Salary of the State Superintendent	\$ 10,000.00	
Other salaries	234,700.00	
Other expenses	128,593.00	
Equipment purchases	1,000.00	
Transfer to State Personnel Department	3,707.00	
Total		\$378,000.00
For Plans and Surveys		25,000.00

For the fiscal year ending September 30, 1957:

Salary of the State Superintendent	10,000.00	
Other salaries	234,700.00	
Other expenses	128,492.00	
Equipment purchases	1,000.00	
Transfer to State Personnel Department	3,808.00	
Total		378,000.00
For Plans and Surveys		25,000.00

Section 3. REVOLVING FUND. There is hereby appropriated to the State Board of Education for each of the fiscal years ending September 30, 1956 and September 30, 1957, the

sum of \$50,000.00 to be known as the Revolving Fund to be expended to relieve emergency conditions that arise in connection with the operation of the public schools, or in otherwise aiding the public schools in accordance with the provisions of statutes relating to the expenditure of such fund.

Section 4. MINIMUM PROGRAM FUND. In addition to all other funds appropriated for the public elementary and high schools of the State there is hereby appropriated to the State Board of Education for the fiscal year ending September 30, 1956 the sum of \$79,424,660.00, and for the fiscal year ending September 30, 1957 the sum of \$81,582,760.00 to be known as the Minimum Program Fund, which, in accordance with the statutes and regulations of the State Board of Education relating to the expenditure of such fund, shall be used for providing a minimum term and for the equalization of educational opportunity in the public schools of the State; provided, that in no case shall a term of less than nine months in tax districts be approved, except that the State Board of Education, upon the recommendation of the State Superintendent of Education, shall be authorized to make full allotments of funds to any school system for the time actually taught, if in the judgment of the State Superintendent of Education and the State Board of Education unusual conditions beyond the control of the local Board of Education in any school are such as to prevent the operation of that school for the required nine months minimum term. The Minimum Program Fund shall also include any other appropriations of funds, either State or Federal, which may be designated by the Legislature as a part of the Minimum Program Fund.

Section 5. FREE TEXTBOOKS. There is hereby appropriated to the State Board of Education for each of the fiscal years ending September 30, 1956 and September 30, 1957, the sum of \$897,000.00 to be expended for the purpose of furnishing free textbooks in the tax-supported public elementary schools of the State in accordance with the statutes and regulations of the State Board of Education in regard thereto.

Section 6. ALABAMA COLLEGE:

For the operation and maintenance of the College	\$ 570,000.00
---	---------------

Section 7. UNIVERSITY OF ALABAMA:

A. The University:

(1) For operation and maintenance	3,450,000.00
(2) For School of Nursing	50,000.00
(3) Tuberculosis Nursing (Education)	25,900.00

B. The University of Alabama Medical Center:

- (1) For the Medical College and School of Nursing, for maintenance and operation 950,000.00
- (2) For expense to Jefferson-Hillman Hospital for indigent patient treatment during instruction of medical students 500,000.00
- (3) For the School of Dentistry, for maintenance and operation 550,000.00
- (4) For clinical psychology and psychiatry ... 50,000.00

The above appropriation for the Alabama Medical Center shall be expended pursuant to the provisions of Act No. 89, 1943 Acts, page 89, and Section 9 of Act No. 207, 1945 Acts, page 325.

C. Research and Extension:

For research and extension work 195,000.00

The above appropriation shall be expended pursuant to the provisions of Act No. 157, 1943 Acts, page 142.

Section 8. ALABAMA POLYTECHNIC INSTITUTE**A. The College:**

- (1) For operation and maintenance3,050,000.00
- (2) For operation and maintenance of Farm Machinery Building 12,000.00
- (3) Engineering Experiment Station 85,000.00

B. School of Forestry:

- (1) For instruction in forestry and training for agricultural students 41,500.00
- (2) For research in forestry 34,000.00

The above appropriations to the School of Forestry shall be expended pursuant to the provisions of Act No. 294, 1945 Acts, page 488.

C. Extension Work for Agriculture and Home Economics:

- (1) For advising, demonstrating and informing people of Alabama in agricultural, farm and home pursuits, and other extension services\$926,000.00

- (2) For extension service marketing specialists, for salaries and expenses 80,000.00

The appropriation herein made to the Extension Service shall be expended under the direction of the Board of Trustees of the Alabama Polytechnic Institute through its Extension Service and shall be done in such manner as to make available the maximum amounts of aid from the Federal government.

D. Agricultural Research:

- (1) Alabama Agricultural Experiment Station at Auburn, for work and experimentation 600,000.00
- (2) For floriculture and ornamental horticulture study and research 15,300.00
- (3) Tennessee Valley Branch Station located at Bell Mina in Limestone County 18,600.00
- (4) Sand Mountain Branch Station located at Crossville in DeKalb County 18,600.00
- (5) Black Belt Branch Station located at Marion Junction in Dallas County 21,000.00
- (6) Wiregrass Branch Station located at Headland in Henry County 18,600.00
- (7) Gulf Coast Branch Station located at Fairhope in Baldwin County 21,000.00
- (8) Piedmont Experiment Branch Station 21,000.00
- (9) Upper Coastal Plains Branch Station..... 21,000.00
- (10) Lower Coastal Plains Branch Station ... 21,000.00
- (11) For the support of researches and experiments on experiment fields 31,800.00
- (12) Horticultural Branch Station in Chilton County 18,600.00
- (13) Horticultural Branch Station in North Alabama 18,600.00
- (14) Wiregrass Experiment Station at Headland, Alabama 12,750.00
(The appropriation to the Wiregrass Experiment Station at Headland, Alabama is to be devoted to the payment of salaries and other expenses incidental

to conducting experiments and research in developing methods of producing, harvesting, marketing, and processing peanuts and preventing damage to peanut crops.)

- (15) Co-operative research at the Agricultural and Experimental Substations\$ 47,500.00
- (16) Research on Pink Boll Worm 15,000.00

That all research work and experimentation contemplated by the spirit and purpose of this sub-section (D) shall be carried out under the supervision of the Director of the Agricultural Experiment Station System and the President of the Alabama Polytechnic Institute, who shall make a complete report to the Board of Trustees of the Alabama Polytechnic Institute for each of the fiscal years ending September 30, 1956 and September 30, 1957.

The funds provided in this sub-section (D) shall be used for the support of researches, experiments, and investigations bearing upon and relating to the production, marketing, manufacturing, use and distribution of agricultural crops and products; for the production, marketing and curing of all kinds of livestock and livestock products that may be sold from or consumed on the farms of Alabama; for the production, culture, and use of pasture plants, for the establishment, care, use and management of pastures; for the testing of all kinds of hay, food, and forage crops, including those that may be used for lawns and other sod crop purposes; for the testing of varieties of crops, including soil adaption and improvement; for the testing of fertilizers and fertilizer materials on the various soils and for various crops; for the production, marketing, storage, and curing of fruit, nut and vegetable crops; for the study of plant and animal disease, and insect pests; for researches and experiments dealing with forest production, management and use; for researches dealing with soil erosion and problems arising from the waste of land due to soil erosion; for researches to discover new uses of land; for the provisions of necessary land, buildings, fencing, livestock and other physical equipment needed for the research work herein provided for; for researches in game and fish production; provided, however, that any researches in game and fish production shall be in cooperation with or upon the advice of the Director of Conservation, so that there may be complete coordination between the work of the Alabama Agricultural Experiment Station and that of the State Department of Conservation; as future changing agricultural conditions may demand, for researches and experiments on other similar important agricultural and economic problems having

for their object the development of a more permanent, profitable, and diversified agriculture; and for the printing of the necessary bulletins, circulars, etc., in order that the citizens of Alabama may be acquainted with the results of said research.

E. Education Television	85,000.00
Section 9. TEACHER'S RETIRE- SYSTEM:	
For each of the fiscal years ending September 30, 1956 and September 30, 1957	4,575,000.00
TEACHERS' SPECIAL PENSION FUND:	
For the fiscal year ending September 30, 1956	555,000.00
For the fiscal year ending September 30, 1957	655,000.00
The above appropriations shall be expended in accord- ance with the statutes and regulations now or hereafter existing relating to the ex- penditure of such Teacher's Retirement Fund and Tea- chers' Special Pension Fund.	
Section 10. ALABAMA STATE COLLEGE FOR NE- GROES:	
For the operation and main- tenance of the College	\$ 1,025,000.00
Section 11. AGRICULTURAL AND MECHANICAL INSTITUTE AT NOR- MAL, ALABAMA:	
For the operation and main- tenance of the Institute	605,000.00
Section 12. THE TEACHERS COLLEGE:	
(a) State Teachers College at Florence	95,500.00
(b) State Teachers College at Jacksonville	95,500.00

(c) State Teachers College at Livingston	88,500.00
(d) State Teachers College at Troy	88,500.00
Section 13. ALABAMA INSTITUTE FOR DEAF AND BLIND:	
For the maintenance, support, insurance and upkeep...	773,192.00
For salaries and expenses incident to instruction of Adult Blind, for the fiscal year ending September 30, 1956	109,000.00
For salaries and expenses incident to instruction of Adult Blind, for the fiscal year ending September 30, 1957	85,000.00
Section 14. VOCATIONAL TRADE SCHOOLS:	
For operation and maintenance:	
(a) Napier	161,000.00
(b) Wenonah	172,000.00
(c) Tuscaloosa	147,000.00
(d) Mobile	165,000.00
(e) Decatur	194,000.00
(f) Alabama School of Trades and Industries ...	194,000.00
Section 15. ALABAMA BOYS' INDUSTRIAL SCHOOL:	
For the maintenance, support, insurance and upkeep of the Alabama Boys' Industrial School	244,000.00
Section 16. ALABAMA INDUSTRIAL SCHOOL FOR NEGROES:	
For maintenance, support, insurance and upkeep of the	

Alabama Industrial School for Negroes		200,000.00
Section 17. STATE TRAINING SCHOOL FOR GIRLS:		
For the maintenance, sup- port, insurance and upkeep of the State Training School for Girls		120,000.00
Section 18. ALABAMA EDUCA- TIONAL TELEVISION COMMISSION:		
For salaries, other expenses and equipment purchases in- cident to the operation of the Commission and its Televi- sion Network		250,000.00
Section 19. MISCELLANEOUS:		
A. Civilian Rehabilitation:		
Handicapped individuals (No administrative costs included herein.)		\$772,000.00
B. Elementary Teachers' Scholarship Fund		25,000.00
C. Illiteracy Fund:		
For salaries	\$ 5,280.00	
For other expenses	1,400.00	
For disbursement to Counties	5,820.00	
Total		12,500.00
Physical Restoration of Crippled Children:		
For salaries	\$45,000.00	
For other expenses	17,000.00	
Reimbursement to Local Boards for Districts Offices	15,000.00	
Handicapped Individuals	394,000.00	
Total		471,000.00

E. Regional Education	76,250.00
F. Student Aid in graduate and professional fields ...	82,500.00
G. Teacher Training Equal- ization Fund:	
For the teacher training program at State Teach- ers Colleges at Florence, Jacksonville, Livingston, and Troy	1,265,000.00
H. Vocational Education:	
For salaries	25,920.00
For other expenses	16,807.50
For equipment pur- chases	2,500.00
Disbursements to Local Boards and Institu- tions	3,854,772.50
Total	3,900,000.00
I. For Debt Service:	
(Payment of principal and interest on outstand- ing bonds of the School Bond Commission pur- suant to Constitutional Amendment)	4,400,000.00
Funds of the appropria- tion shall be transferred to the Alabama Building Commission for alloca- tion and distribution to the presently existing eleemosynary and/or to the presently existing educational institutions for capital outlay pur- poses.	
J. Minimum Program Fund, Institutions of Higher Learning and Trade Schools.	

Any surplus remaining in the state treasury to the credit of the Alabama Special Educational Trust Fund after the payment in full of all appropriations made payable from said fund during the fiscal year ending September 30, 1955, is hereby appropriated for the following uses and purposes:

An amount equal to eighty-eight percent thereof shall be paid into the Minimum Program Fund, of which one-half shall be made available for expenditure during the fiscal year ending September 30, 1956, and the remaining one-half shall be made available for expenditure during the fiscal year ending September 30, 1957. Twelve percent of such appropriation shall be prorated in such manner that the allocation and distribution thereof to the institutions of higher learning and trade schools shall be in the proportion that the appropriations from the Alabama Special Educational Trust Fund during the fiscal year ending September 30, 1956, to each such institution of higher learning and trade school, including appropriations to the several divisions thereof, if any, shall bear to the total sum appropriated from the Alabama Special Educational Trust Fund to all such institutions of higher learning and trade schools, including appropriations to the several divisions thereof, if any, during the fiscal year ending September 30, 1956. Such surplus shall not be transferred to the Alabama Special Educational Trust Fund Surplus Account, nor to the Alabama State Building Commission or the Building Commission Fund, the provisions of Act No. 813, S. 22, approved September 19, 1953, or of any other law to the contrary notwithstanding.

Section 20. The State Superintendent of Education shall make requisition on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds provided for in this Act, whereupon the Comptroller, upon approval by the Governor, shall issue his warrant therefor; provided, that all appropriations and funds made available to the Alabama College, the University of Alabama, the Alabama Polytechnic Institute, the Institute for the Deaf and Blind, the Boys' Industrial School, the Alabama Industrial School for Negroes, the State Training School for Girls, the Alabama Educational Television Commission and for the Teachers' Retirement Sys-

tem by the provisions of this Act shall be paid by request to the Comptroller made in the manner now provided by law.

Section 21. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act, or all or any portion of any appropriation or appropriations herein made, be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provisions, or portion of this Act, or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 22. All laws and parts of laws, general, special, private or local, in conflict with the provisions of this Act are hereby expressly repealed. Act No. 813, S. 22, approved September 19, 1953, which is in conflict with Subsection J of Section 19 of this Act, is also expressly repealed.

Section 23. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 5, 1955.

Time: 8:53 A.M.

Act No. 344

H. 301—Brassell, Summerlin, Wood

AN ACT

To provide for the reclamation, restoration, operation and maintenance of Fort Morgan, in Baldwin County, Alabama, and certain other forts and buildings adjacent thereto; creating the Fort Morgan Historical Commission for the purpose of reclaiming, restoring, operating and maintaining Fort Morgan and certain other forts and buildings adjacent thereto; prescribing the powers, authority and jurisdiction of the commission, and providing for the appointment, compensation, powers, duties and authority of the members of the commission; providing for the appointment of a secretary or historian and other employees by the commission; giving the commission and the members thereof full police power to prefer charges against, and to make arrests of any person violating any rule or regulation of the commission governing the operation and maintenance of Fort Morgan and the other forts and buildings under the authority and jurisdiction of the commission giving the commission the authority to designate any employees of the commission as deputy police officers, with full police power to prefer charges against, or to make arrests of, any person violating any rule or regulation governing the operation and maintenance of Fort Morgan and the other forts and buildings under the authority and jurisdiction of the commission; prescribing a penalty for violation of the rules and regulations promulgated and adopted by the commission; and transferring the right to all papers, books, records, stationery, supplies and equipment used in the control, maintenance and operation of Fort Morgan by the Division of State Parks, Monuments, and Historical Sites to the Fort Morgan Historical Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created the Fort Morgan Historical Commission, to be composed of a chairman and six other members. The director of the Department of Conservation shall be chairman *ex officio* of the commission. The other six members of the commission shall be appointed by the Governor as follows: One member shall be appointed from a list of nominations submitted to the Governor by the Alabama Chapter of the Daughters of the American Revolution; one member shall be appointed from a list of nominations submitted to the Governor by the Alabama Chapter of the Daughters of Colonial Wars; one member shall be appointed from a list of nominations submitted to the Governor by the Alabama Chapter of the United Daughters of the Confederacy; and three members shall be appointed from among the qualified electors of the State. The members of the commission shall hold office for terms concurrent with the Governor's own term, and shall hold office at his pleasure. Vacancies shall be filled by the Governor in the manner provided for original appointments, but shall be for the unexpired term only.

Section 2. Regular meetings of the commission shall be held twice each year at Fort Morgan, at such times as may be determined by the members of the commission. In addition, the chairman of the commission may, in his discretion, call a special meeting of the commission at any time, upon giving due notice to members of the commission. The commission may remain in session for the purpose of transacting business for a period not to exceed three days at any one regular or special session, and shall not be in session for more than eighteen calendar days in any one calendar year. Four members of the commission shall constitute a quorum for the purpose of transacting business. Each member of the commission, other than the chairman, shall be entitled to receive ten dollars (\$10.00) for each day's attendance at a meeting of the commission, plus actual subsistence and traveling expenses incurred in attending such meetings.

Section 3. The Fort Morgan Historical Commission shall have exclusive jurisdiction over the public lands and waters upon which Fort Morgan is located. The commission shall also have exclusive jurisdiction over the two forts which were constructed during the Spanish American War, and the other historical buildings located adjacent to Fort Morgan. Provided, however, that the commission shall not exercise any jurisdiction over the public lands and waters contiguous to Fort Morgan which are now under lease by the State of Alabama. Provided further, the provisions of this Act shall not be construed to affect in any way the jurisdiction and authority of the joint legislative committee which is known as the Joint Committee on Fort Morgan of the Legislature of Alabama.

Section 4. The Fort Morgan Historical Commission is hereby vested with the power and authority to take any action necessary to reclaim and restore Fort Morgan to its rightful place of eminence among the historical sites of this State, including the right to contract and to make agreements with the federal government and with states, counties, municipalities, corporations, associations, or individuals in carrying out the provisions of this Act.

Section 5. Fort Morgan and the other forts and buildings under the authority and jurisdiction of the commission shall be operated and maintained in accordance with the rules and regulations promulgated and adopted by the commission. Any person who violates any rule or regulation so adopted and promulgated shall be guilty of a misdemeanor, and upon conviction shall be punished as prescribed by law. The commission, or any member thereof, shall have full police power to prefer charges against, and to make arrests of, any person or persons violating any such rule or regulation. The commission shall have full authority to designate any other employee or employees of the commission as deputy police officer, who shall have full police power to prefer charges against, or to make arrests of, any person or persons violating any rule or regulation of the commission.

Section 6. A secretary and historian of the commission shall be appointed by the commission and shall serve at the pleasure of the commission. The person so appointed shall reside at Fort Morgan during the time in which he is employed, and shall perform such duties as may be required by the commission. The secretary or historian shall receive a salary of four thousand five hundred dollars (\$4,500.00) per annum, payable in equal monthly installments out of funds appropriated to the Department of Conservation for Fort Morgan, in equal installments, as the salaries of other state employees are paid.

Section 7. The commission may appoint guards or watchmen and other such employees, not exceeding five in number, as the commission may consider necessary to carry out and enforce the provisions of this Act. Such employees shall be subject to the Merit System Act.

Section 8. The commission is hereby authorized to accept all gifts, bequests and donations from any source whatsoever. All gifts, bequests and donations, and all other monies accruing to the commission, including all monies appropriated by the Legislatutre of the State of Alabama, shall be deposited in the state treasury to the credit of the Fort Morgan Historical Commission, and shall be expended only on requisitions signed by the chairman of the commission. All funds deposited in the state treasury to the credit of the com-

mission shall be expended in accordance with the terms of the gift, bequest, donation, or appropriation from which such funds are derived, but in the absence of any such terms or stipulations, such funds shall be expended for such purposes as the commission may determine. Provided, however, that no funds shall be expended for any purpose unless they have been allotted and budgeted in accordance with the provisions of Article 3 of Chapter 4 of Title 55, Code of Alabama (1940), and only in the amounts and for the purposes provided by the legislature in the general appropriation bill.

Section 9. Upon the effective date of this Act, the maintenance and operation of Fort Morgan shall cease to be a function of the Division of State Parks, Monuments, and Historical Sites of the Department of Conservation, and the right to all papers, books, records, stationery, supplies and equipment heretofore used in the control, maintenance and operation of Fort Morgan by the Division of State Parks, Monuments, and Historical Sites is hereby transferred to the Fort Morgan Historical Commission.

Section 10. All laws or parts of laws which conflict with this Act are repealed.

Section 11. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 5, 1955.

Time: 8:55 A.M.

Act No. 345

S.291—Van Antwerp

AN ACT

To create in any county in this State having a population of not less than 225,000 nor more than 500,000, according to the last or any subsequent Federal decennial census, a domestic relations division of the circuit court of such county; defining its jurisdiction and authority; providing it with officers, and prescribing their duties, authority and compensation; regulating its procedure; abolishing the office of judge of the juvenile court in any such counties; and providing that the judge of the domestic relations division of the circuit court shall be ex officio judge of the juvenile court.

Be It Enacted by the Legislature of Alabama:

Section 1. A domestic relations division of the circuit court is hereby established in every county in the State having a population of not less than 225,000 nor more than 500,000 inhabitants, according to the last or any subsequent federal decennial census. The domestic relations division of the circuit court shall, as its primary function, handle all cases in such county involving

divorce, the annulment of marriages, the custody of children. The presiding judge of the circuit court of such county shall assign all such cases which originate in the circuit court to the domestic relations division thereof, provided, that the presiding judge may, in his discretion, for the purpose of relieving an overloaded docket in the domestic relations division, assign a portion of such cases to other judges of the circuit court.

Section 2. Whenever this Act becomes operative in any county in this State an additional judgeship is hereby created for the circuit court of the circuit to which such county belongs. The incumbent of such additional judgeship shall be the judge of the domestic relations division of the circuit court of such county. He shall have and exercise all the jurisdiction, powers, rights and authority and possess all the qualifications, perform all the duties and be subject to the pains, obligations and penalties that other circuit judges may have, exercise, perform and be subject to. If this act becomes effective in any county in this State more than six months before the next general election for any State officers the Governor shall appoint an additional judge for such circuit who shall hold office until the next general election for any state officers held at least six months after this act becomes effective in such county. At the first general election for state officers held at least six months after this act applies to a county, a judge shall be elected to fill the additional judgeship hereby authorized, who shall hold office until the next general election of circuit judges. At the first general election of circuit judges held after this act is operative in a county, and every six years thereafter, a judge shall be elected to fill such judgeship at the same election that other circuit judges are elected and such judge shall hold office for the same term as other circuit judges. Whenever the office of the additional judgeship hereby created is first filled, either by appointment or by election, the office of judge of the juvenile court of the county affected by this act is thereupon abolished, and thereafter the judge of the domestic relations division of the circuit court shall be ex officio the judge of the juvenile court of the county.

Section 3. Until the expiration of the present terms of the circuit judges of the county or counties affected by this act, the judge of the domestic relations division of the circuit court shall receive the sum of \$11,000.00 per annum payable in equal installments, and thereafter he shall receive the same salary as the other circuit judges, as prescribed by law.

Section 4. (a) The register of the circuit court shall appoint a deputy register of the circuit court who shall serve under the direction, and shall hold office at the pleasure, of the register of the circuit court. The deputy register shall receive a salary of five thousand four hundred dollars (\$5,400) per

year. If any county coming within the influence of this act has a civil service system the deputy register hereby provided for shall be in the exempt service and no rules or regulations of the civil service system shall govern his appointment, discharge or compensation. Said deputy register before entering upon the duties of his office shall give bond to the State of Alabama in a sum to be set by the governing authority of the county, with surety, acceptable to such governing authority, to execute faithfully all the duties of his office during his continuance therein.

(b) The judge shall appoint a bailiff of the domestic relations division of the circuit court, who shall perform the same duties and receive the same salary as do the other bailiffs in the circuit court.

Section 5. There shall be a court reporter for the domestic relations division of the circuit court appointed by the judge on the same basis as other court reporters of the circuit court are appointed. The reporter shall also serve as secretary to the judge.

Section 6. The judge of the domestic relations division of the circuit court shall appoint a practicing psychiatrist who shall serve at the pleasure of the judge as consultant of the court to whom children involved in cases before the court can be referred for psychiatric diagnosis and treatment. The psychiatrist shall also serve as consultant to the juvenile court when called upon by the judge thereof for that purpose. The compensation of the psychiatrist shall be one thousand two hundred dollars (\$1,200) per year.

Section 7. The county governing body of any county to which this act applies shall appropriate such sum of money each year as will meet all the administrative expenses of the domestic relations division of the circuit court.

Section 8. Appeals from the judgments or orders of the juvenile court shall be assigned by the presiding judge of the circuit court to judges of said court other than the judge of the domestic relations division.

Section 9. On the filing of a bill or petition for divorce or for support the domestic relations division of the circuit court may request the juvenile court to cause an investigation and report to be made as to the character, family relations, past conduct, earning ability and financial worth of the parties to the action. The report of such investigation shall be made available to either party or his counsel of record.

Section 10. All salaries payable under this Act which are not payable by the State under general laws shall be paid by the county.

Section 11. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this Act are repealed.

Section 13. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 7, 1955.

Time: 2:30 P.M.

Act No. 346

H. 979—Cox

AN ACT

To establish a county court of Marshall County, Alabama; to define its jurisdiction and powers; to provide for its officers, their powers, duties, and compensations; to provide that said court shall be open at all times for the trial of cases and transaction of business; to provide the rules and procedure of said court, to provide for the transfer of certain causes now and hereafter pending in the Circuit Court and the Probate Court of Marshall County, Alabama and in the County Court for Marshall County as created by Act approved June 3, 1953, and to provide for the transfer of certain cases pending in said County Court of Marshall County, Alabama to the equity side of the Circuit Court of Marshall County, Alabama, and to provide for the taxing of fees and costs, and to repeal Act No. 51 of the regular session of 1953, approved June 3, 1953, creating the County Court for Marshall County, and to repeal Act No. 408 of the regular session of 1953, approved August 27, 1953 abolishing the criminal jurisdiction conferred by law upon justices of the peace in Marshall County and conferring the same upon the County Court for Marshall County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. CREATION, JURISDICTION AND POWERS. That there be and hereby is established in and for the County of Marshall, a court of law which will be called the County Court of Marshall County, Alabama and which shall be a court of record, and which shall have and exercise the jurisdiction, authority, function and powers hereinafter conferred upon it by this Act.

Section 2. JUDGE, APPOINTMENT AND ELECTION, TERM, QUALIFICATIONS. That as soon after the approval of this Act by the Governor as practicable the Governor shall appoint a judge for said Court, whose qualifications shall be the same as now or that may be hereafter fixed for judges of the Circuit Courts in this State and whose term of office shall begin immediately after his appointment and qualification and who shall hold office until the next general election for any state officer and until his successor shall have been elected and

Qualified, and thereafter such judge shall be elected at the same time and for the same term of office as circuit judges are elected in the state. The judge of said court so appointed or elected as herein provided shall before entering upon the duties of his office take the oath of office as now required by law by the judges of circuit courts. The judge of said court shall devote his full time to the duties of his office.

Section 3. **VACANCIES, HOW FILLED; REMOVAL.** Vacancies in the office of the judge of said court shall be filled by appointment by the Governor, and the person so appointed shall hold office as required by the constitution of this state. Said judge may be removed from office in the manner now provided by law for the removal of circuit judges.

Section 4. **SALARY OF JUDGE.** That the judge of said court shall receive a salary of Five Hundred Dollars per month payable out of the general funds of the County at the end of each month, his signed receipt being required.

Section 5. **CLERK OF COURT, BOND, DEPUTIES; POWERS, DUTIES.** That the Clerk of the Circuit Court of Marshall County shall be ex-officio clerk of said court and shall have the powers and discharge the duties which shall devolve upon the clerks of the Circuit Courts and whose bond shall be not less than \$10,000, and he shall be subject to same pains and penalties with regard to the duties of the office, and except as otherwise provided herein shall be entitled to the same fees, as are now, or may hereafter be allowed to Circuit Clerks of Alabama, and the same shall be collected as such fees and costs are collected in the circuit courts; and the deputy clerks of the Circuit Court of Marshall County shall be ex-officio deputy clerks of the County Court of Marshall County, Alabama and exercise the same powers and perform the same duties as are exercised and performed in the Circuit Court.

Section 6. **DOCKETS OF COURT.** The Clerk of said court must, on the fifth day preceding the holding of any regular term of court as fixed in this Act or as may be fixed by an order of the Court properly entered of record on its minutes, prepare a docket of all criminal and civil cases pending in said court at that time and which will be heard, called, or tried at such next regular term of said court and must mail to each attorney of record in any case then pending in said court a copy of said docket on at least five days preceding the holding of said term of said court, and he shall also mail to each member of the Bar of said county such docket at said time, and no case shall be called for trial or tried, over objection of any party to such case, unless this section of this Act is complied with.

Section 7. **SUPPLIES.** That the clerk, with the approval of the judge of said court, is hereby authorized to purchase all

necessary furnishings, records, stationery, and supplies for the equipment and maintenance of said court, and the same shall be paid out of the general funds of the County upon warrants drawn by the judge and signed by the clerk.

Section 8. SOLICITOR OF COURT. That the Circuit Solicitor of the 27th Judicial Circuit of Alabama shall represent the State in all criminal cases in said court, and be ex-officio solicitor of said court and shall receive no compensation therefor.

Section 9. SOLICITOR'S FEES, PLEA OF GUILTY. That there shall be taxed and collected as cost in all criminal cases in said court a Solicitor's fee which shall be in the same amount as now collected in Circuit Courts of this State in like cases, for the same offense and when collected shall be paid by the Clerk into the general funds of the County, and there shall be taxed and collected as costs on all misdemeanor cases in said court a solicitor's fee which shall be in the same amount as is now taxed and collected for misdemeanors in county courts of this State in like cases for the same offense and when collected shall by the Clerk be paid into the general funds of the County and the provisions of Section 86 of Title 11 of the Code of 1940 as amended shall apply; provided, however, that no solicitor's fees shall be taxed or created in any case in this court where the defendant is charged with violating the rules of the road or legal and reasonable rules or regulations governing the use of motor vehicles upon the public highways in this state or with the violation of the Game & Fish Laws or rules and regulations of this state relating thereto, if the defendant pleads guilty in this court.

Section 10. SHERIFF: DUTIES, COMPENSATION. The Sheriff of Marshall County, Alabama shall, in person or by a deputy or deputies appointed by him, be required to attend upon the said court, and preserve order, and execute all writs or process, and perform such other duties, in all respects as in the Circuit Courts of this State, and except as otherwise provided herein shall receive the same fees, commissions and compensation as allowed for like or similar services performed by sheriffs in the Circuit Court.

Section 11. COURT REPORTER. That the judge of said court shall by order spread upon the minutes appoint a competent person as the official reporter for said court who may also be the official reporter for the Circuit Court, and such official reporter, when so appointed, may be removed by the judge of said court at his discretion, and his qualifications, duties and powers shall be the same as are now provided by law for the reporters of the Circuit Courts of the state and he shall receive the same rate of compensation for transcribing the testimony or other proceedings as are now provided for said

Circuit Court reporters, but shall as a salary receive One Hundred Fifty Dollars per month payable out of the general funds of the County at the end of each month, his signed receipt being required. The services of said reporter when not actually working under the direction of the judge of said court shall be available to the Solicitor in the discharge of his duties in this court.

Section 12. STENOGRAPHER'S FEES. That in all cases in said court, a stenographer's fee of One Dollar and fifty cents shall be charged and collected and by the Clerk paid into the general funds of the County.

Section 13. SEAL OF COURT. That the court shall adopt a seal which shall be in the custody of the Clerk of said court.

Section 14. PLACE OF HOLDING COURT. That said court shall be held at the two court houses of Marshall County, Alabama, and shall be open at all times for the trial of cases and transaction of business. In case of sickness or disqualification of the judge of said court the law applicable to the appointment and service of special judges in the circuit courts shall apply. The judges of said court shall be subject to the same penalties for failure to attend upon the court as Circuit Judges of this State. The judge of said court shall keep an office in the court house of Marshall County, at Guntersville, and it shall be the duty of the Court of County Commissioners of Marshall County to provide such an office, and supply the same with necessary furnishings, fixtures, stationery, etc.

Section 15. SESSIONS OF COURT. That a session of said court shall be held at the courthouse at Guntersville on the first Monday of each month of each year and may continue in session for one week or until the business of said court is disposed of and a regular session of said court will also be held on the second Monday of each month of each year at the court house at Albertville and may continue for one week or until the business of said court is disposed of. Special sessions must be called by the Judge of the court at any time the business of the court requires. There may be such temporary adjournments of said court as may be deemed expedient and proper by the Judge thereof and he may, by order, fix additional times for the holding of said court. If said cases for violation of the rules of the road or laws regulating the use of motor vehicles upon the public highways of this State congest, or tend to congest, the docket of said court, it shall be the duty of the court to set a separate date for the trial of such cases not to exceed one day each week at the place of holding of said court, and to keep the docket from becoming congested.

Section 16. TERRITORIAL JURISDICTION, BRANCHES. That said court is divided into two territorial jurisdictions, one to be known as the Albertville Branch of said court and the

other the Guntersville Branch of said court. The territorial jurisdiction of the Albertville Branch of said court, both civil and criminal, shall be the same, except as in this Act otherwise provided, as the jurisdiction now conferred by law on the Albertville Branch of the Circuit Court of Marshall County, Alabama. The territorial jurisdiction of the Guntersville Branch of said court, both civil and criminal, shall be the same, except as in this Act otherwise provided, as the jurisdiction now conferred by law on the Guntersville Branch of said Circuit Court.

Section 17. TRANSFER OF CAUSES. That should a suit or cause of action be brought in either branch of said court and it should develop either on plea in abatement, or motion to transfer that said cause of action was filed in the wrong branch of said court, then the court of its own motion may, or on the motion of either party shall transfer said suit or cause of action to that branch of the court having original jurisdiction thereof for trial as provided by this Act, but if no such plea in abatement or motion is made it is waived if not transferred.

Section 18. JUDGMENTS IN FORMER COUNTY COURT. That all judgments heretofore rendered in the County Court for Marshall County, Alabama, which is hereby abolished, shall remain valid judgments and valid liens where properly recorded as provided by law, and all records of said court, together with such judgments, are hereby transferred into and made a part of the records of the court herein created, and execution on any valid judgment not heretofore paid that was rendered by said abolished court may issue as otherwise provided for by law by the Clerk of this court returnable to this court.

Section 19. CIVIL JURISDICTION, LIMITS. Said court shall have original jurisdiction in civil cases in all matters where the amount involved does not exceed Two Thousand Five Hundred Dollars, and in all actions of ejectment, and original jurisdiction in actions of unlawful detainer and forcible entry and unlawful detainer, and trial of the rights to property, regardless of the amount involved, or the value of the property.

Section 20. JURISDICTION, ACTIONS FOR POSSESSION OF LANDS. Exclusive jurisdiction of actions for the possession of lands under Chapter 3 of Title 31 of the Code of Alabama of 1940, forcible entry, unlawful detainer, and actions in the nature of unlawful detainer is hereby given to said court. All writs under Chapter 3 of Title 31 and affidavits made with reference thereto shall be made before and issued by the Clerk of said court and should the defendant make and file a counter-affidavit provided for by Section 30 of Title 31 of the Code of Alabama of 1940, then the procedure fixed for the trial of said case before a Justice of the Peace shall govern in this court and the same shall stand for trial on the third day after the filing of said

affidavit with the Sheriff or Deputy serving the process, and the procedure set up in Chapter 3 of Title 31 of the Code of Alabama of 1940 shall govern in this court. Appeals taken from judgments rendered in actions for the possession of lands under Chapter 3 of Title 31 of the Code of Alabama of 1940 shall be to the Circuit Court, and shall be governed by the provisions of said chapter of said title.

Section 21. APPEALS FROM INFERIOR COURTS. That this court shall have exclusive jurisdiction of all cases appealed from Justice of the Peace courts, Mayor's Courts, Recorder's Courts, and all other inferior courts of Marshall County, and all original mesne processes, writs, notices, etc., shall be executed instantler, to be returnable immediately upon the execution thereof, by the officers receiving the same; and all cases so appealed shall stand for trial at any time after five (5) days notice of the suing out of such appeal to the adverse party, the notice to be given as now required by law.

Section 22. JURISDICTION, PLEADING, PRACTICE. That Chapters 6, 10, 11, 12, 20, 27 and 35 of Title 7 of the Code of Alabama of 1940, as amended, and Chapter 6 of Title 15 of the Code of Alabama of 1940, as amended, insofar as they are applicable to the Circuit Courts of this State are also applicable and shall be deemed to be the law governing such matters in this court insofar as they do not conflict with the provisions of this Act and this court shall also have exclusive jurisdiction of violations under Chapter 7 of Title 13 of the Code of Alabama of 1940, as amended, and Article 3 of Chapter 4 of Title 34 of the Code of Alabama of 1940, and jurisdiction of Chapter 35 of Title 7 of the Code of Alabama of 1940 when the execution, attachment or other like writ originally issued from this court, is levied on the property involved in such claim suit.

Section 23. JURISDICTION IN WILL CONTESTS. That in all cases in the Probate Court of Marshall County, Alabama wherein a will is sought to be probated, the filing of any contest without a demand for trial by jury shall automatically transfer the trial of such contest to the County Court of Marshall County, Alabama and it shall be the duty of the Judge of Probate to deliver, immediately, to the clerk of said court all papers filed in said contest, and the same shall stand for trial as any other civil case. That all notices shall be issued by the clerk of said court as are now required to be issued by the Judge of Probate in the contest of wills, provided, however, that either party desiring a jury trial may file a written demand therefor at any time within thirty (30) days from the date of the filing of said cause in the County Court of Marshall County, Alabama or at the time said cause is first called for trial if called within said time in which event the Clerk shall at once transfer the case to the Circuit Court of Marshall County where it shall be placed upon

the jury docket. That the final judgment entry of said contest shall be certified by the Clerk of said court to the Judge of Probate and by him recorded in the Probate Court minutes and acted upon as though it had been rendered in the Probate Court.

Section 24. POWERS OF JUDGE: EXTRAORDINARY REMEDIES. The judge of said court shall have the power to issue writs of habeas corpus, prohibition, certiorari, quo warranto, and all other special and extraordinary writs, except such as are peculiar to a court of chancery; and the rules of practice and procedure in the Circuit Courts of Alabama as are now or which may hereafter be provided by law, except as otherwise provided in this Act, shall prevail in the County Court of Marshall County, Alabama and the judge thereof shall have the same power and authority including punishment for contempt as is or may hereafter be conferred upon judges of the Circuit Courts of Alabama unless otherwise provided in this Act.

Section 25. JURY TRIAL; EFFECT OF DEMAND FOR, IN CERTAIN CASES. All civil cases originating in said court shall be tried by the court without a jury, but the defendant or claimant in any case involving \$20.00 or more and not arising under Chapter 3 of Title 31 of Code of 1940 may within the time allowed for pleadings, file with the Clerk a written demand for trial by jury, and in criminal cases the defendant may endorse such demand upon his appearance bond at the time of making it or may file a written demand within fifteen days after his arrest, whereupon the Clerk shall at once transfer the case to the Circuit Court of Marshall County where it shall be placed upon the jury docket.

Section 26. JURY TRIAL; EFFECT OF DEMAND FOR, IN OTHER CASES. All cases brought to said court by appeal or certiorari from inferior courts, shall be tried by the court without a jury, but a written demand for trial by jury may be filed in the cause by the party suing out the appeal or certiorari within fifteen days after suing out the same, or filed by the opposite party in all civil cases within fifteen days after he has been served with notice of appeal or certiorari, unless said case is sooner called for trial in which case the demand shall be made at the first call of said case, whereupon the Clerk shall at once transfer the case to the Circuit Court of Marshall County where it shall be placed upon the jury docket.

Section 27. TRANSFER TO EQUITY COURT. That civil causes may be transferred from the County Court of Marshall County, Alabama to the Circuit Court in equity for the same reasons, in the same manner and under the same rules and regulations as is now provided for the transfer of causes from the law side of the Circuit Court to the equity side of said court.

Section 28. **AFFIDAVITS AND WARRANTS.** Prosecutions for misdemeanors committed in Marshall County may be instituted in this court by making an affidavit before the Solicitor of said court, or the Clerk thereof or any of his deputies or any clerk or recorder or acting recorder of any municipality; the writ on said affidavit to be issued by the officer taking such affidavit, and when the defendant is arrested on said affidavit, said case shall go on the docket for trial as herein provided.

Section 29. **BASTARDY PROCEEDINGS.** That said court shall have exclusive and original jurisdiction of all bastardy cases and bastardy proceedings in said county which may be based upon affidavit as provided by law at the present time, such affidavit to be made before the Clerk or any other officer authorized herein to issue warrants returnable to said court. This court shall try the case and the findings shall become final unless the defendant appeals, whereupon the proceedings shall then be certified to the Circuit Court for trial de novo as is now provided in such cases from preliminary hearings in justice court. Unless the defendant appeals, this court shall fix the amount defendant is required to pay each year for ten years as now provided by law and require defendant to make the bond now required by law conditioned to make such payments or sentence the defendant for failure to make such bond, all as is now provided by law on a final conviction for bastardy in Circuit Court.

Section 30. **JURISDICTION, MOTOR VEHICLE LAWS.** That this court shall have original and exclusive jurisdiction of the prosecution of persons charged with driving motor vehicles upon the highways of this State while intoxicated or while an habitual user of narcotic drugs.

Section 31. **PRELIMINARY PROCEEDINGS.** The Judge of said court shall also make examination of all matters of preliminary proceedings, as provided in Article 3 of Chapter 6 of Title 15 of the Code of Alabama, of 1940, arising in said county. No other court or officer shall have authority to hold preliminary hearings in said county, and in such preliminary proceedings the Judge of the said court is required to have the testimony taken down in writing by the court reporter who shall then transcribe the testimony and certify to it as court reporters are required to do in Circuit Courts and have the compensation in such case for so taking and transcribing such testimony. When transcribed the original of such testimony shall be filed with the Clerk and become a part of the record in said cause and kept on file in the office of the Clerk. All warrants charging the commission of a felony shall be issued by the Clerk or other officer authorized to issue warrants for misdemeanors returnable to this court.

Section 32. SEARCH WARRANTS. Any officer authorized by this Act to issue warrants for misdemeanors shall have authority to take affidavits and issue search warrants.

Section 33. FORFEITURES, JUDGMENTS THEREON. That if for any reason, a forfeiture be taken on any bond on the criminal side of said court, the court may order an alias capias, and unless the party or parties, against whom the forfeiture is taken, shall appear and show cause, when the forfeiture is returnable, why the forfeiture should be set aside, then the court is hereby authorized and empowered to make the judgment final, for all or such portion of said bond as in its judgment should be rendered thereon.

Section 34. FINES AND FORFEITURES. That all fines and forfeitures accruing from the prosecution and trial of criminal cases in this court shall be paid into the fine and forfeiture fund of Marshall County.

Section 35. FEES, COSTS, COMMISSIONS. That fees, costs, commissions, mileage, per diem, and other compensation allowed to the officers and witnesses of this court, unless otherwise provided herein, shall be payable in the same manner, in the same amounts, and from the same funds as the same are now paid to such officer and witnesses for like services in the Circuit Courts.

Section 36. TRIAL TAX. That a fee of Three Dollars, in addition to the other cost, shall be taxed in each criminal or quasi criminal case against the defendant on conviction or against the prosecutor, if he should be taxed with the cost as provided by law, as a trial tax, and if not presently paid may be collected by execution or by sentence to hard labor and when collected shall be paid into the general funds of the County. That a fee of Three Dollars, in addition to the other cost, shall be taxed in each civil case as a trial tax, the same to be collected as other costs taxed in said case and may be collected by execution and when collected shall be paid into the general funds of the County. All monies herein required to be paid into the general funds of the County shall be credited to the General Fund of said county.

Section 37. LIMITATION OF COST. That there shall be no trial tax collected and the cost of the Clerk and Sheriff shall not exceed the cost that a Justice of the Peace or arresting officer could tax and/or collect in Justice Court where the defendant in said case is charged with a misdemeanor committed within said county involving violation of the Game and Fish Laws and legal rules or regulations regulating the same, and of cases for a misdemeanor involving the violation of the laws or legal rules of the road, except driving while intoxicated, whether the rules of the road be a violation of the statutes or a legally

adopted or promulgated rule and regulation governing the use of motor vehicles upon the public highways in this state, whether the defendant pleads guilty or not.

Section 38. APPELLATE PROCEDURE. That the Supreme Court and Court of Appeals of this State shall have appellate and supervisory jurisdiction over said court, and the judge thereof, which may be exercised in the same manner as such jurisdiction may be exercised over the Circuit Courts of the State and the judges thereof, and except as otherwise herein provided appeals may be taken from the orders and judgments of said court to the Supreme Court and Court of Appeals in the same manner, and within the same time, as appeals are now taken from the orders and judgments of the Circuit Courts of the State.

Section 39. APPEALS, TRANSCRIPTS. That all laws and rules governing appeals, perfection of appeals, settling, signing and establishing bills of exceptions or transcripts of testimony in lieu of bills of exceptions on appeals to the Court of Appeals or the Supreme Court from the Circuit Courts in this State shall be applicable and apply to all appeals taken to the Court of Appeals or Supreme Court from this court.

Section 40. REPEAL OF 1953 ACT. That the County Court for Marshall County as created by Act approved June 3, 1953 shall from and after the passage and approval of this Act no longer exist and no officers of this State shall collect any fees or salary because of said court or for services rendered in or to said court. All cases pending in said County Court for Marshall County when this act becomes a law, shall immediately become pending upon the docket of this court as though originally brought in said court, and shall be called for trial at which time any defendant whose case has been pending in said County Court for Marshall County may demand a trial by jury as herein provided. Said Act of 1953 is hereby repealed.

Section 41. REPEALING ACT ABOLISHING CRIMINAL JURISDICTION OF JUSTICES OF PEACE. That Act No. 408 of the regular session of the Legislature of 1953, approved August 27, 1953, abolishing the criminal jurisdiction conferred by law upon justices of the peace in Marshall County and conferring the same upon the County Court for Marshall County, Alabama, be and the same is hereby repealed.

Section 42. LAWS REPEALED. That all laws, both local and general, in conflict with this Act, are hereby repealed.

Section 43. UNCONSTITUTIONALITY. That if for any reason, any section, provision or clause of this Act shall be held to be unconstitutional or invalid, then that fact shall not destroy the constitutionality of this Act except as to that clause or section.

Section 44. EFFECTIVE DATE. That the provisions of this Act shall take effect from and after the approval thereof by the Governor or upon its otherwise becoming a law.

Approved September 7, 1955.

Time: 2:20 P.M.

Act No. 347

H.628—Roberts, Reynolds

AN ACT

To create an additional judgeship for the Twenty-third Judicial Circuit of Alabama, and to provide for the election, term, compensation, powers, duties, and authority of such judge.

Be It Enacted by the Legislature of Alabama:

Section 1. On and after the effective date of this Act there shall be two judges of the Twenty-third Judicial Circuit of Alabama. Such additional judgeship shall be known as Place No. 2. The additional judge shall be elected at the general election in 1956, and every six years thereafter, and shall hold office from the first Monday after the second Tuesday in January next after his election, and until his successor is elected and qualified. The Governor shall appoint a qualified person to serve as such additional judge until his successor is elected and takes office as herein provided. The judge who has held office for the longest time in the circuit shall be the presiding judge in the circuit.

Section 2. The additional judge of the Twenty-third Judicial Circuit provided for by this Act shall have and exercise all the jurisdiction, power, rights, and authority conferred on other circuit judges in this State. He shall receive the same compensation payable by the State as other circuit judges, and shall receive the same county supplement to his state salary as the other circuit judge in the Twenty-third Judicial Circuit. The judge shall possess the same qualifications, perform the same duties, and shall be subject to the same pains, penalties, and obligations as other circuit judges.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 7, 1955.

Time: 2:16 P.M.

Act. No. 348

H. 206—Hawkins, Edwards
(Escambia), Money,
Fite, Brewer, Simon,
Murphy, Tyson.

AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools.

Be It Enacted by the Legislature of Alabama:

Section 1. That for the purpose of this Act, the following classifications, definitions and restrictions shall be applicable: (a) "salary" and "other salaries", wherever appearing herein, shall mean the wages or other compensation for skill work or employment for anyone performing services for the State of Alabama as an employee, officer or official, and shall be expended only for such purposes; (b) "other expenses" shall mean the operating costs of agencies, departments, boards, bureaus and institutions of the State, other than salaries, equipment purchases and additions and betterments and shall be expended only for operating costs incident to the normal operations of such agencies, departments, boards, bureaus and institutions including supplies and materials, postage, telephone, telegraph, express, travel expense, motor vehicle operations, lights, water, power, insurance and bonding, printing and binding, repairs and items of general expense not defined as "equipment purchases", and the money appropriated therefor shall be expended only for such purposes; (c) "equipment purchases" shall mean those items of office equipment, motor vehicle equipment and other equipment which has an appreciable and calculable period of usefulness in excess of one year, and the money appropriated therefor shall be expended only for such purposes; (d) "additions and betterments" shall mean lands and buildings and the construction and alteration of structures and improvements thereto, improvements to land, sewer, water, shelter, support, storage, protection or the improvement of a natural condition, and the money appropriated therefor shall be expended only for such purposes.

Section 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial departments of the State, for the interest on the public debt, and for the public schools for each of the two fiscal years ending respectively September 30, 1956 and September 30, 1957, to be paid out of any monies in the State Treasury not otherwise appropriated, the several sums of money hereinafter specified or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor.

FROM THE GENERAL FUND

I. EXECUTIVE:

The Governor's Office:	
For the salary of the Governor.....\$	12,000.00
For the salary of the Legal Counsel	9,000.00
For other salaries	75,700.00
For other expenses	16,650.00
<hr/>	
Total	113,350.00
For the Governor's Emergency Fund-	
To be expended at the direction	
of the Governor	100,000.00
For the Mansion Fund	60,000.00

II. LEGISLATIVE:

For the salaries of the Clerk of the House and the Secretary of the Senate and for other salaries and other expenses for the fiscal year ending September 30, 1956, and for the salaries and expenses of the Legislature for extraordinary sessions	300,000.00
For the salaries of the Clerk of the House and the Secretary of the Senate and for other salaries and other expenses and for any expenses for any legislative sessions for the fiscal year ending September 30, 1957	1,000,000.00
For printing of Legislative Acts and Journals for the fiscal year ending September 30, 1956, estimated	75,000.00

III. JUDICIAL:

(1) THE SUPREME COURT:

For the salaries of the Chief Justice and six Associate Justices	84,000.00
For the salary of the Clerk of the Court	6,000.00
For the salary of the Court Reporter	6,000.00
For other salaries	88,080.00
For other expenses	13,540.00

For equipment purchases	6,000.00	
Total		203,620.00
For the Supreme Court Library Fund		10,000.00
For cataloging the Supreme Court Library		7,500.00
(2) THE COURT OF APPEALS:		
For salaries of the three judges...	34,500.00	
For other salaries	31,200.00	
For other expenses	4,162.50	
For equipment purchases	500.00	
Total		70,362.50
(3) THE CIRCUIT COURTS:		
For the salaries of the judges of the Circuit Courts, estimated....		484,500.00
For travel expenses of circuit judges		7,500.00
For telephone service, station- ery, stamps, and necessary equipment for the office use of circuit judges		10,000.00
For the salaries and travel ex- penses of special judges, esti- mated		4,000.00
For salaries of thirty-three cir- cuit solicitors	231,000.00	
For salary of the elected deputy circuit solicitor of the Bessemer Division of the 10th Judicial Circuit	6,000.00	
For the salary of the appointed assistant deputy solicitor of the Bessemer Division of the 10th Judicial Circuit	3,600.00	
For the salary of the first dep- uty solicitor of the Birming- ham Division of the 10th Ju- dicial Circuit	5,700.00	

For the salaries of the second and third deputy solicitors of the Birmingham Division of the 10th Judicial Circuit	10,000.00
For the salaries of the fourth, fifth and sixth deputy solicitors of the Birmingham Division of the 10th Judicial Circuit; \$4,000.00 each	12,000.00
For the salary of the deputy circuit solicitor of the 6th Judicial Circuit	4,500.00
For the salaries of the deputy Circuit solicitors of the 13th Judicial Circuit	10,800.00
For the salary of the deputy circuit solicitor of the 15th Judicial Circuit	7,800.00
For the salary of the deputy circuit solicitors of the 16th Judicial Circuit	6,000.00
For the salary of the deputy circuit solicitor of the 23rd Judicial Circuit	4,200.00
Total	309,200.00
For the travel expenses of circuit solicitors	6,000.00
For telephone service, stationery, stamps, and necessary equipment for the office use of circuit solicitors, deputy circuit solicitors or assistants	20,000.00
For salary of supernumerary circuit solicitors, estimated	8,000.00
(4) COURT REPORTERS:	
For the compensation of the circuit court reporters estimated	87,600.00
(5) SUPERNUMERARY JUDGES:	
For salaries of supernumerary judges, estimated	40,000.00

(6) SUPERNUMERARY JUSTICES:

For expenses of supernumerary Justices of Supreme Court	3,600.00
---	----------

IV. CONSTITUTIONAL OFFICES:

(1) OFFICE OF THE ATTORNEY GENERAL:

For the fiscal year ending September 30, 1956:

For the salary of the Attorney General	10,000.00	
For other salaries	151,900.00	
For other expenses	33,100.00	
For equipment purchases	3,550.00	
Total		198,550.00

For the fiscal year ending September 30, 1957:

For the salary of the Attorney General	10,000.00	
For other salaries	151,900.00	
For other expenses	33,100.00	
For equipment purchases	2,750.00	
Total		197,750.00

(2) OFFICE OF THE STATE AUDITOR:

For the salary of the State Auditor	6,000.00	
For other salaries	26,250.00	
For other expenses	2,250.00	
For equipment purchases	500.00	
Total		35,000.00

(3) OFFICE OF THE SECRETARY OF STATE:

For the salary of the Secretary of State	6,000.00
For other salaries	22,000.00

For other expenses	6,000.00	
For equipment purchases	1,000.00	
Total		35,000.00

(4) OFFICE OF THE STATE
TREASURER:

For the fiscal year ending
September 30, 1956:

For the salary of the State Treasurer	6,000.00	
For other salaries	66,826.00	
For other expenses and compen- sation of fiscal agents	19,450.00	
For equipment purchases	12,724.00	
Total		105,000.00

For the fiscal year ending
September 30, 1957:

For the salary of the State Treasurer	6,000.00	
For other salaries	67,836.00	
For other expenses and compen- sation of fiscal agents	19,664.00	
For equipment purchases	500.00	
Total		94,000.00

V. DEPARTMENTS, BOARDS, BUREAUS,
AGENCIES AND COMMISSIONS:

(1) DEPARTMENT OF ARCHIVES
AND HISTORY:

For the salary of the Director..	7,500.00	
For other salaries	50,500.00	
For other expenses	8,000.00	
For equipment purchases	1,000.00	
For expenses of publication of the Alabama Historical Quar- terly	3,000.00	
Total		70,000.00

For expenses of printing Statistical Register for the fiscal year ending September 30, 1956	5,000.00
---	----------

(1-A) PUBLIC LIBRARY SERVICE DIVISION:

For salaries	35,000.00
For other expenses	11,000.00
For books and pamphlets	67,000.00
For equipment purchases	2,000.00

Total	115,000.00
-------------	------------

(2) BUILDING COMMISSION:

For salaries, other expenses and equipment purchases (For expenditure pursuant to Act No. 128, 1945 Regular Session, as amended)	50,000.00
--	-----------

(3) DEPARTMENT OF CIVIL DEFENSE:

For the salary of the Director.....	7,500.00
For other salaries	21,500.00
For other expenses	10,000.00
For equipment purchases	1,000.00

Total	40,000.00
-------------	-----------

For salaries, other expenses and equipment purchases, conditional upon the condition of the treasury and with the approval of the Governor	10,000.00
--	-----------

(4) DEPARTMENT OF COMMERCE:

For the salary of the Director...	10,000.00
For other salaries	102,000.00
For other expenses	35,000.00
For equipment purchases	3,000.00

Total	150,000.00
-------------	------------

(5) DEPARTMENT OF EXAMINER OF PUBLIC ACCOUNTS:

For the fiscal year ending September 30, 1956:

For the salary of the Chief Examiner	10,000.00	
For other salaries	383,000.00	
For other expenses	160,000.00	
For equipment purchases	3,000.00	
Total		556,000.00

For the fiscal year ending September 30, 1957:

For the salary of the Chief Examiner	10,000.00	
For other salaries	385,000.00	
For other expenses	160,000.00	
For equipment purchases	5,000.00	
Total		560,000.00

(6) DEPARTMENT OF FINANCE:

Director's Office:

For the salary of the Director..	10,000.00	
For other salaries	21,300.00	
For other expenses	6,937.50	
For equipment purchases	6,600.00	
Total		44,837.50

Division of the Budget:

For salaries	28,716.00	
For other expenses	5,000.00	
For equipment purchases	4,000.00	
Total		37,716.00

Division of Control and Accounts:

For salaries	98,628.00	
For other expenses	39,543.00	
For equipment purchases	3,500.00	
Total		141,671.00

Legal Division:

For salaries, other expenses and equipment purchases	15,470.00
--	-----------

Division of Purchases and Stores:

For salaries	61,624.00
For other expenses	9,000.00
For equipment purchases	1,000.00
Total	71,624.00

Division of Service:

For salaries	187,000.00
For other expenses	153,000.00
For equipment purchases	10,000.00
Total	350,000.00

For equipment purchases in the State Offices for the Executive, Administrative and Judicial Departments	10,000.00
---	-----------

Total	671,318.50
--------------------	-------------------

(7) DEPARTMENT OF HEALTH:

(a) For General Health Work:

For the salary of the State Health Officer	10,000.00
For other Salaries	475,000.00
For other expenses	115,000.00
Total	600,000.00

(b) For study and treatment of cancer	125,000.00
---	------------

(c) For contributions to County Health Units	375,000.00
--	------------

(d) For Hospital Planning:	
For salaries	22,000.00
For other expenses	4,000.00
Total	26,000.00

(e) For Mental Hygiene:

For salaries	16,800.00
--------------------	-----------

For other expenses	13,200.00	
Total		30,000.00
(f) For Mental Health:		
For Mental Health Clinic for northeast Alabama lo- cated in Etowah County...		7,000.00
University of Alabama Med- ical School for instruction in clinical psychology and psychiatry		18,000.00
(g) For Pollution Control:		
For salaries	32,500.00	
For other expenses	14,900.00	
For equipment purchases ...	2,600.00	
Total		50,000.00
(h) For the Administration of Tuberculosis Hospitals:		
For salaries	14,000.00	
For other expenses	8,500.00	
Total		22,500.00
(i) For subsidy to counties for treatment of tuberculosis...		1,971,000.00
(j) For Tuberculosis Testing:		
For salaries	37,500.00	
For other expenses	32,500.00	
For equipment purchases ...	30,000.00	
Total		100,000.00
(k) For Venereal Disease Control:		
For salaries	30,000.00	
For other expenses	20,000.00	
Total		50,000.00
Total		3,374,500.00
(8) INDUSTRIAL DEVELOP- MENT BOARD:		
For salary of Director	10,000.00	

For salaries	102,980.00	
For other expenses	30,600.00	
For equipment purchases	22,500.00	
Total		166,080.00

(9) DEPARTMENT OF INDUSTRIAL
RELATIONS:

For salaries	115,000.00	
For other expenses	34,500.00	
For equipment purchases	500.00	
Total		150,000.00

(10) DEPARTMENT OF INSURANCE:

For the fiscal year ending September 30, 1956:		
For the salary of the Director...	7,500.00	
For other salaries	98,788.00	
For other expenses	51,400.00	
For equipment purchases	6,880.00	
Total		164,568.00

For the fiscal year ending September 30, 1957:		
For the salary of the Director...	7,500.00	
For other salaries	111,360.00	
For other expenses	53,300.00	
For equipment purchases	4,600.00	
Total		176,760.00

(11) STATE LABOR DEPARTMENT:

For the fiscal year ending September 30, 1956:		
For the salary of the Director...	9,000.00	
For other salaries	30,428.00	
For other expenses	13,612.00	
For equipment purchases	1,960.00	
Total		55,000.00

For the fiscal year ending
September 30, 1957:

For the salary of the Director...	9,000.00	
For other salaries	30,428.00	
For other expenses	13,072.00	
For equipment purchases	2,500.00	
Total		55,000.00

(12) LEGISLATIVE REFERENCE
SERVICE:

For the fiscal year ending
September 30, 1956:

For the salary of the Director...	9,000.00	
For other salaries	32,304.00	
For other expenses	3,996.00	
For equipment purchases	1,200.00	
Total		46,500.00

For the fiscal year ending
September 30, 1957:

For the salary of the Director...	9,000.00	
For other salaries	33,004.00	
For other expenses	3,996.00	
For equipment purchases	500.00	
Total		46,500.00
For Legislative Council		3,100.00

(13) MILITARY DEPARTMENT:

For the salary of the Adjutant General	7,500.00	
For other salaries	194,600.00	
For other expenses	40,000.00	
For equipment purchases	20,000.00	
For Quarterly Allowances	211,200.00	
For transfer to the Armory Commission for care and main- tenance of armories	300,000.00	

For Active Military Service	65,000.00	
Total		838,300.00
For other expenses conditional upon the condition of the treas- ury and with the approval of the Governor	10,000.00	
For equipment purchases, condi- tional upon the condition of the treasury and with the approval of the Governor	10,000.00	
For Active Military Service of Federally recognized National Guard officers and enlisted men, conditional upon the con- dition of the treasury and with the approval of the Governor...	10,000.00	
For Active Military Service for approved training projects, conditional upon the condition of the treasury and approval of the Governor	95,000.00	
Total conditional		125,000.00
(14) PERSONNEL DEPARTMENT:		
For transfer to the Personnel Department:		
For the fiscal year ending Sep- tember 30, 1956 ..		18,117.00
For the fiscal year ending Sep- tember 30, 1957		18,611.00
(15) DEPARTMENT OF PUBLIC SAFETY:		
For the fiscal year ending September 30, 1956:		
For the salary of the Director ...	10,000.00	
For other salaries	1,850,000.00	
For other expenses	684,750.00	
For equipment purchases	150,000.00	
Total		2,694,750.00
For the fiscal year ending September 30, 1957:		

For the salary of the Director...	10,000.00
For other salaries	1,875,000.00
For other expenses	684,750.00
For equipment purchases	150,000.00
Total	2,719,750.00

(16) DEPARTMENT OF PUBLIC WELFARE:

For transfer to Department of Public Welfare for the support, maintenance and operation of the functions of Public Welfare	3,700,000.00
--	--------------

For transfer to Department of Public Welfare for the support, maintenance and operation of the functions of Public Welfare conditional upon the condition of the treasury and with the approval of the Governor...	3,000,000.00
--	--------------

For research and indigent care in nutritional and related subjects at the Spies Clinic, located at Birmingham, Alabama, conditional upon the condition of the treasury and with the approval of the Governor.....	100,000.00
---	------------

It is provided that not more than twenty-seven and one-half percentum of the appropriations hereinabove made shall be allotted in any one quarter of a fiscal year.

(17) BUREAU OF PUBLICITY AND INFORMATION:

For salaries	14,520.00
For other expenses	14,400.00
For equipment purchases	5,000.00
For tourist advertising	50,000.00
Total	83,920.00

(18) STATE PLANNING BOARD:

For salaries	33,000.00
--------------------	-----------

For other expenses	17,000.00	
Total		50,000.00
(19) DEPARTMENT OF REVENUE:		
For salaries, operation and maintenance expense:		
For the fiscal year ending September 30, 1956		315,738.00
For the fiscal year ending September 30, 1957		322,200.00
For expenses incident to the Equalization Boards:		
For the fiscal year ending September 30, 1956		322,000.00
For the fiscal year ending September 30, 1957		347,000.00
(20) STATE BOARD OF ADJUSTMENT:		
For expenditures by the Board payable from General Fund for the General Fund contribution to the total expenditure of \$150,000.00 pursuant to Title 55, Section 343		10,000.00
(21) STATE SECURITIES COMMISSION:		
For the fiscal year ending September 30, 1956:		
For salaries	11,064.00	
For other expenses	740.00	
Total		11,804.00
For the fiscal year ending September 30, 1957:		
For salaries	12,264.00	
For other expenses	740.00	
Total		13,004.00
(22) SOCIAL SECURITY:		
For the fiscal year ending September 30, 1956:		

Administrative:

For salaries	14,436.00	
For other expenses	5,775.00	
Total		20,211.00

For the fiscal year ending
September 30, 1957:

Administrative:

For salaries	14,772.00	
For other expenses	4,885.00	
Total		19,757.00

(23) STATE TOXICOLOGIST:

For the fiscal year ending
September 30, 1956:

For the salary of the State Toxicologist	7,500.00	
For other salaries	79,686.00	
For other expenses	28,458.00	
For equipment purchases	24,366.00	
Total		140,000.00

For the fiscal year ending
September 30, 1957:

For the salary of the State Toxicologist	7,500.00	
For other salaries	80,878.00	
For other expenses	28,683.00	
For equipment purchases	11,300.00	
Total		128,361.00

(24) DEPARTMENT OF VETERANS'
AFFAIRS:

For the fiscal year ending
September 30, 1956:

For salary of the Service Com- missioner	7,500.00	
For other salaries	326,962.00	
For other expenses	36,350.00	

For equipment purchases	7,500.00	
For contract with Veterans of Foreign Wars Organizations.....	20,000.00	
For contract with Disabled American Veterans Organiza- tions	5,000.00	
Total		403,312.00
For the fiscal year ending September 30, 1957:		
For salary of the Service Com- missioner	7,500.00	
For other salaries	345,886.00	
For other expenses	37,400.00	
For equipment purchases	6,500.00	
For contract with Veterans of Foreign Wars Organizations.....	20,000.00	
For contract with Disabled American Veterans Organiza- tions	5,000.00	
Total		422,286.00

VI. DEVELOPMENT AND CONSER- VATION OF NATURAL RESOURCES:

(1) DEPARTMENT OF CONSER- VATION:

(a) State Parks Fund:

For salaries and other ex-
penses incident to the oper-
ation and maintenance of
State Parks, and the Divi-
sion of State Parks, Monu-
ments and Historical Sites
and for administration of
Department of Conserva-
tion86,810.00

For salaries and other ex-
penses incident to the oper-
ation and maintenance of
State Parks, and the Divi-
sion of State Parks, Monu-
ments and Historical Sites

and for administration of Department of Conserva- tion conditional upon the condition of the treasury and with the approval of the Governor	200,000.00
(b) State Lands Fund:	
For salaries and other ex- penses incident to the oper- ation of the Division of State Lands	25,000.00
(c) Forestry Fund:	
For salaries and other ex- penses incident to the oper- ation of the Division of For- estry and for the adminis- tration of Department of Conservation	250,000.00
For salaries and other ex- penses incident to the oper- ation of the Division of For- estry and for the adminis- tration of Department of Conservation, c onditional upon the condition of the treasury and with the approval of the Governor.....	200,000.00
(2) GEOLOGICAL SURVEY:	
For the fiscal year ending September 30, 1956:	
For the salary of the State Geologist	9,100.00
For other salaries	59,103.00
For other expenses	39,293.00
For equipment purchases	2,000.00
For matching Federal funds for the investigation of the surface water resources of the State.....	27,500.00
For matching Federal funds for the investigation of the ground water resources of the State.....	30,000.00
Total	167,000.00

For the fiscal year ending
September 30, 1957:

For salary of the State

Geologist 9,100.00

For other salaries 61,864.00

For other expenses 24,536.00

For equipment purchases 2,000.00

For matching Federal funds for
the investigation of the surface
water resources of the State..... 27,500.00

For matching Federal funds for
the investigation of the ground
water resources of the State..... 30,000.00

Total 155,000.00

(3) STATE SOIL CONSERVATION
COMMITTEE:

For salaries 9,000.00

For other expenses 11,250.00

For equipment purchases 500.00

Total 20,750.00

(4) FORT MORGAN HISTORICAL
SOCIETY:

For salaries 10,500.00

For other expenses 20,000.00

Total 30,500.00

(5) FOR TRANSFER TO AGRI-
CULTURAL FUND:

For salaries, other expenses and
equipment purchases for the De-
partment of Agriculture and
Industries:

For the fiscal year ending
September 30, 1956 211,773.50

For the fiscal year ending
September 30, 1957 210,573.50

VII. EDUCATION:

(1) INTEREST ON ENDOW-
MENTS:

For interest on Alabama Col-

lege Endowment, estimated...	40,000.00
For interest on Alabama Poly- technic Institute Endowment	20,280.00
For interest on University of Alabama Endowment	61,000.00
For interest on Grove Hill Endowment	600.00
For interest on Public School Fund Endowments:	
Interest on 16th Section lands, estimated	173,659.00
Interest on school indemnity lands, estimated	31,596.81
Interest on valueless 16th section lands	5,825.47
Interest on surplus revenue...	26,763.47
Interest on James Wallace Fund	275.25
Total estimated	360,000.00

VIII. HOSPITALS AND CORRECTIONAL FUNCTIONS:

(1) BOARD OF CORRECTIONS:

For transfer to Board of Cor- rections for salaries of the em- ployees of the Board	1,375,000.00
---	--------------

(2) ALABAMA INSANE HOSPITALS:

For the support, maintenance
and repair of Alabama Insane
Hospitals, an amount to be
fixed by the Governor at not
less than \$6.00 per week nor
more than \$13.50 per week,
for each patient,

For the fiscal year ending September 30, 1956, estimated	5,284,628.00
---	--------------

For the fiscal year ending September 30, 1957, estimated	5,436,344.00
---	--------------

Conditional upon the condi-
tion of the treasury and with
the approval of the Governor,

an amount not in excess of
\$1.00 per week for each pa-
tient,

For the fiscal year ending September 30, 1956, estimated	391,456.00
---	------------

For the fiscal year ending September 30, 1957, estimated	402,688.00
---	------------

For training Psychiatric Nurses	25,000.00
--	-----------

(3) PARTLOW STATE SCHOOL
FOR MENTAL DEFICIENTS:

For the support, maintenance
and repair of the Partlow
State School for Mental Defi-
cients, an amount to be fixed
by the Governor at not less
than \$6.00 per week nor more
than \$13.50 per week for each
patient,

For the fiscal year ending September 30, 1956, estimated	982,800.00
---	------------

For the fiscal year ending September 30, 1957, estimated	1,017,900.00
---	--------------

Conditional upon the condition
of the treasury and with the
approval of the Governor, an
amount not in excess of \$1.00
per week for each patient,

For the fiscal year ending September 30, 1956, estimated	72,800.00
---	-----------

For the fiscal year ending September 30, 1957, estimated	75,400.00
---	-----------

(4) REMOVAL OF PRISONERS:

For expenses incident to re- moval of prisoners, estimated	20,000.00
---	-----------

(5) FEEDING OF PRISONERS:

For expenses of feeding pris- oners in county jails, esti- mated	375,000.00
--	------------

(6) ARREST OF ABSCONDING
FELONS:

For expenses incident to the

arrest of absconding felons, estimated	1,000.00
(7) BOARD OF PARDONS AND PAROLES:	
For the fiscal year ending September 30, 1956:	
For salaries of Board Members	22,500.00
For other salaries	236,460.00
For other expenses	54,000.00
For equipment purchases	12,040.00
Total	325,000.00
For the fiscal year ending September 30, 1957:	
For salaries of Board Members	22,500.00
For other salaries	238,460.00
For other expenses	54,000.00
For equipment purchases	10,040.00
Total	325,000.00
IX. DEBT SERVICE:	
(1) For interest on Class A. Renewal and Class C. Renewal and Fund- ing Renewal Bonds for the fiscal year ending September 30, 1956	302,385.00
(2) For Hospital Construction Bond Sinking Fund for the fiscal year ending September 30, 1956.....	214,178.00
(3) For Hospital Construction Bond Sinking Fund for the fiscal year ending September 30, 1957	213,730.00
(4) For interest on Spanish Ameri- can War Veterans Fund, esti- mated	294.86
X. MISCELLANEOUS:	
(1) For advertising lands for tax sale, estimated	5,000.00
(2) Alabama Agricultural and In- dustrial Exhibit Commission	25,000.00

(3) For payment of Attorneys fees in indigent capital cases (as provided in Act No. 176, 1947 Acts, page 61.)	22,500.00
(4) Automatic Appeal Expense as provided in 1943 Acts of Legislature, page 217, estimated	3,500.00
(5) Cahaba Historical Commission: To provide for the expenditures authorized by Act No. 486, 1943 Acts, page 449	500.00
(6) For civil court costs in connection with ad valorem tax assessment appeals, estimated	1,000.00
(7) For court costs to be paid by the State of Alabama not otherwise provided for, estimated	1,000.00
(8) For distribution of public documents, estimated	3,000.00
(9) Departmental Emergency Fund (This is the appropriation contemplated in Section 105, Title 55 of the Code of Alabama 1940 and shall be the only amount appropriated and the total amount expended under the provisions of said section.)	150,000.00
(10) Employees' Special Pension Fund:	
For the fiscal year ending September 30, 1956	60,000.00
For the fiscal year ending September 30, 1957	65,000.00
(11) Gorgas Memorial Board:	
To provide for the expenditures authorized by Act No. 417, 1943 Acts, page 383	10,000.00
(12) For expense of Governor's Proclamations, estimated:	
For the fiscal year ending September 30, 1956	40,000.00
For the fiscal year ending September 30, 1957	20,000.00

(13) Hall of Fame Board:	
For payment of salaries and expenses	2,100.00
(14) Richmond Pearson Hobson Memorial Board:	
To provide for the expenditures authorized by Act No. 536, 1943 Acts, page 510	2,750.00
(15) LaGrange Historical Commission:	
To provide for the expenditures authorized by Act No. 551, 1943 Acts, page 540	500.00
(16) For mailing tax notices, estimated	3,500.00
(17) Purchase Code Pocket Supplement for the fiscal year ending September 30, 1956, estimated...	25,000.00
(18) For printing of State and County Privilege Licenses, estimated....	6,000.00
(19) For registration of voters, estimated: For the fiscal year ending September 30, 1956.....	175,000.00
For the fiscal year ending September 30, 1957	125,000.00
(20) For Spanish War Veterans Encampment	1,500.00
(21) First White House of Confederacy, for salaries and other expenses	3,140.00
(22) For Bangs Disease Control:	
For salaries	40,000.00
For other expenses	60,000.00
Total	100,000.00
This appropriation to be expended by the State Veterinarian at the direction of the Commissioner of Agriculture.	
(23) For Prevention and Control of Diseases of Swine:	

For salaries	43,000.00	
For other expenses	53,000.00	
For equipment purchases	4,000.00	
	<hr/>	
Total		100,000.00

This appropriation to be expended by the State Veterinarian at the direction of the Commissioner of Agriculture.

(24) For Southern Regional Council on Mental Health Training and Research	8,000.00
---	----------

FROM FUNDS OTHER THAN GENERAL FUND

XI. AERONAUTICS DEPARTMENT:

For the fiscal year ending September 30, 1956:		
For salary of the Director	7,200.00	
For other salaries	25,884.00	
For other expenses	14,763.00	
For equipment purchases	7,434.00	
	<hr/>	
Total		55,281.00
For State aid for Airports—For Airports and Airmarking		150,000.00
For the fiscal year ending September 30, 1957:		
For salary of the Director	7,200.00	
For other salaries	25,884.00	
For other expenses	14,763.00	
For equipment purchases	3,000.00	
	<hr/>	
Total		50,847.00
For State aid for Airports — For Airports and Airmarking		125,000.00

The above appropriations shall be paid out of the receipts to the State Airports Development Fund as provided in Act No. 402, approved July 9, 1945, and the amounts appropriated herein shall be the maximum expenditures pursuant thereto.

XII. AGRICULTURE AND INDUSTRIES:

A. ADMINISTRATIVE OPERATIONS:

For the salary of the Commissioner	8,400.00
For other salaries	634,000.00
For other expenses	240,000.00
For rent to Alabama Building Corporation	52,473.50
For equipment purchases	47,000.00
For awarding Prizes and Premiums	35,000.00
Total	1,016,873.50

(The above appropriation is payable from funds in the Agricultural Fund and shall be the maximum amount expended therefrom for operation and shall include the appropriation made in Section VI, sub-section (5) in this Act.)

B. TRANSFER OF FUNDS FROM THE AGRICULTURAL FUND:

For the fiscal year ending
September 30, 1956:

(1) For transfer to Agricultural Center Board for operation and Debt Service	95,100.00
(2) For transfer to Agricultural Center Board for operation of Livestock Coliseum	25,000.00
(3) For transfer to Shipping Point Inspection Fund	15,000.00
(4) For transfer to White Fringed Beetle Control Fund	27,000.00
(5) For transfer to State Personnel Department	2,739.00

Total	164,839.00
--------------------	-------------------

For the fiscal year ending
September 30, 1957:

(1) For transfer to Agricultural Center Board for operation and debt service	93,900.00	
(2) For transfer to Agricultural Center Board for operation of Livestock Coliseum	25,000.00	
(3) For transfer to Shipping Point Inspection Fund	15,000.00	
(4) For transfer to White Fringed Beetle Control Fund	27,000.00	
(5) For transfer to State Personnel Department	2,814.00	
Total		163,714.00

C. EGG INSPECTION DIVISION:

For the fiscal year ending
September 30, 1956:

For salaries, other expenses and equipment purchases	60,000.00
--	-----------

For the fiscal year ending
September 30, 1957:

For salaries, other expenses and equipment purchases	100,000.00
--	------------

(The above appropriations are payable from funds in the Egg Inspection Fund and shall be the maximum amounts expended therefrom.)

D. AGRICULTURAL CENTER BOARD:

For the fiscal year ending
September 30, 1956:

For salaries	13,950.00
--------------------	-----------

For other expenses	5,850.00
--------------------------	----------

For equipment purchases	200.00
-------------------------------	--------

For debt service on Coliseum Bonds	75,100.00
--	-----------

Total	95,100.00
--------------------	-----------

For the fiscal year ending
September 30, 1957:

For salaries	14,310.00	
For other expenses	5,490.00	
For equipment purchases	200.00	
For debt service on Coliseum Bonds	73,900.00	
Total		93,900.00
(The above appropriation to the Agricultural Center Board shall be paid out of the Agricultural Center Board Fund.)		

E. LIVESTOCK COLISEUM:

For salaries, other expenses and equipment purchases		90,000.00
(The fund hereinabove appropriated to the Agricultural Center Board for the Livestock Coliseum shall be paid out of the Livestock Coliseum Fund, and the appropriation hereinabove includes the appropriation made to said fund as provided in Item XII B.)		

F. WHITE FRINGED BEETLE CONTROL FUND:

For salaries, other expenses and equipment purchases	12,000.00	
For purchase of necessary insecticides for the control and eradication of the White Fringed Beetle	15,000.00	
Total		27,000.00
(The fund hereinabove appropriated for the eradication of the White Fringed Beetle shall be paid out of the White Fringed Beetle Control Fund and includes the appropriation made to said fund as provided in sub-section B hereof.)		

XIII. ALCOHOLIC BEVERAGE CONTROL BOARD:

**A. ADMINISTRATIVE AND STORES
DIVISION:**

For the fiscal year ending
September 30, 1956:

For salary of administrator	10,000.00	
For other salaries	1,856,944.00	
For other expenses (transportation costs for merchandise excluded)	503,300.00	
For equipment purchases	58,390.00	
For additions and betterments...	8,000.00	
For transfer to State Personnel Department	8,393.00	
For transportation costs on merchandise, estimated	125,000.00	
Total		2,570,027.00

For the fiscal year ending
September 30, 1957:

For salary of administrator	10,000.00	
For other salaries	1,890,988.00	
For other expenses (transportation costs for merchandise excluded)	512,100.00	
For equipment purchases	31,196.00	
For additions and betterments	5,000.00	
For transfer to State Personnel Department	8,622.00	
For transportation costs on merchandise, estimated	125,000.00	
Total estimated		2,582,906.00

In addition to the above appropriation herein made there is hereby appropriated for each additional retail store put into operation during each fiscal year, an amount equal to the sum required to install the last comparable retail store put into operation by said Board.

Provided, however, that the sum appropriated for the operation of retail stores as provided herein shall be reduced in like manner for each retail store closed or withdrawn from operation during the same period. There is further appropriated to the Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized, such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation.

**B. LAW ENFORCEMENT
DIVISION:**

For salaries	300,000.00	
For other expenses	168,000.00	
For equipment purchases	20,000.00	
Total		488,000.00

**C. COMMISSION ON EDUCATION
WITH RESPECT TO ALCOHOLISM:**

For the fiscal year ending
September 30, 1956:

For salaries	4,360.00	
For other expenses	3,580.00	
For equipment purchases	2,500.00	
Total		10,440.00

For the fiscal year ending
September 30, 1957:

For salaries	4,360.00	
For other expenses	6,080.00	
Total		10,440.00

D. FOR TEMPERANCE EDUCATION	25,000.00
--	-----------

(The appropriations herein-
above made to the Alcoholic
Beverage Control Board are
made from the gross pro-
ceeds derived from the sale of
alcoholic beverages by the Al-
coholic Beverage Control
Board.)

**E. BEER TAX AND LICENSE
DIVISION:**

For the fiscal year ending
September 30, 1956:

For salaries	138,302.00	
For other expenses	81,790.00	
For equipment purchases	1,000.00	
	<hr/>	
Total		221,092.00

For the fiscal year ending
September 30, 1957:

For salaries	149,615.00	
For other expenses	83,790.00	
For equipment purchases	1,000.00	
	<hr/>	
Total		234,405.00

(This appropriation herein-
above made to the Alcoholic
Beverage Control Board shall
be paid out of the gross pro-
ceeds from the licenses, per-
mits, and tax on malt bev-
erages.)

**XIV. ALABAMA STATE BAR
ASSOCIATION:**

For salaries, other expenses and equipment purchases	34,000.00
---	-----------

The above appropriation is payable
out of the funds in the State Treas-
ury to the credit of the Alabama
State Bar Association, pursuant to
Title 46, Chapter 3, Code of Ala-
bama 1940.

XV. DEPARTMENT OF CONSERVATION:

A. ADMINISTRATIVE DIVISION:

For the fiscal year ending
September 30, 1956:

For the salary of the Director	10,000.00	
For other salaries	168,696.00	
For other expenses	80,277.00	
For equipment purchases	20,000.00	
For transfer to Personnel Department	9,108.00	
Total		288,081.00

For the fiscal year ending
September 30, 1957:

For the salary of the Director ..	10,000.00	
For other salaries	168,696.00	
For other expenses	80,029.00	
For equipment purchases	20,000.00	
For transfer to Personnel De- partment	9,356.00	
Total		288,081.00

B. STATE FORESTRY DIVISION:

For salaries	847,000.00	
For other expenses and equip- ment purchases	397,000.00	
For additions and betterments..	24,000.00	
For transfer to Conservation Department - Administrative Account	110,000.00	
Total		1,378,000.00

The funds hereinabove appropriated to the State Forestry Division shall be paid out of the State Forestry Fund. In the event of an emergency, so determined by the Director of

Conservation and the Governor, the Director of Conservation with the approval of the Governor, is hereby authorized to meet such emergency by transferring to and from any item of expenditure herein appropriated for use by the Division of Forestry.

C. GAME AND FISH DIVISION:

For salaries	695,532.00	
For other expenses	476,100.00	
For equipment purchases	100,000.00	
For additions and betterments...	475,000.00	
For transfer to Conservation Department - Administrative Account	110,000.00	
Total		1,856,632.00

The funds hereinabove appropriated to the Game and Fish Division shall be paid out of the Game and Fish Fund.

D. STATE LANDS DIVISION:

For salaries	35,316.00	
For other expenses	15,184.00	
For equipment purchases	2,000.00	
Total		52,500.00

The funds hereinabove appropriated to the State Lands Division shall be paid out of the State Lands Division Fund.

E. STATE PARKS DIVISION:

For salaries	105,000.00	
For other expenses	93,000.00	
For equipment purchases	15,000.00	
For additions and betterments...	40,000.00	
For transfer to Conservation Department - Administrative Account	33,190.00	
Total		286,190.00

The funds hereinabove appropriated to the State Parks Division shall be paid out of the State Parks Fund and the appropriation hereinabove made includes the appropriation made to the said fund as provided in Item VI (1) in this Act.

F. SEAFOODS DIVISION:

For the fiscal year ending
September 30, 1956:

For salaries	61,608.00	
For other expenses	59,150.00	
For equipment purchases	48,000.00	
For additions and betterments..	130,000.00	
For transfer to Conservation Department - Administrative		
Account	37,842.00	
Total		336,600.00

For the fiscal year ending
September 30, 1957:

For salaries	61,608.00	
For other expenses	54,400.00	
For equipment purchases	10,000.00	
For additions and betterments..	125,000.00	
For transfer to Conservation Department - Administrative		
Account	37,842.00	
Total		288,850.00

The funds hereinabove appropriated to the Seafood Division shall be paid out of the Seafood Fund.

For the fiscal year ending
September 30, 1956:

Total	4,198,003.00
--------------------	---------------------

For the fiscal year ending
September 30, 1957:

Total	4,150,253.00
--------------------	---------------------

XVI. BOARD OF CORRECTIONS:

For the fiscal year ending
September 30, 1956:

For the salary of the Commissioner	12,000.00
For transfer to the State Personnel	

Department	4,752.00
------------------	----------

For other salaries and expenses incident to the operation and maintenance of the convict system of Alabama, so much as may be necessary.

For the fiscal year ending
September 30, 1957:

For the salary of the Commissioner	12,000.00
For transfer to State Personnel	

Department	4,881.00
------------------	----------

For other salaries and expenses incident to the operation and maintenance of the convict system of Alabama, so much as may be necessary.

The above appropriation to the Board of Corrections shall be paid out of all of the receipts from the administration of the department, including the labor of the convicts, and all other funds appropriated.

XVII. DENTAL ASSOCIATION:

For salaries, other expenses and equipment purchases	2,600.00
--	----------

XVIII. ALABAMA STATE DOCKS BOARD:

For transfer to the State Personnel Department :

For the fiscal year ending September 30, 1956	5,203.00
--	----------

For the fiscal year ending September 30, 1957	5,345.00
--	----------

The above appropriation shall be paid from income, receipts and revenues derived from the operations of the Alabama State Docks Board.

XIX. HEALTH DEPARTMENT:**1. Hospital Licensing:**

For the fiscal year ending
September 30, 1956:

For salaries	8,280.00	
For other expenses	4,000.00	
	<hr/>	
Total		12,280.00

For the fiscal year ending
September 30, 1957:

For salaries	8,712.00	
For other expenses	4,000.00	
	<hr/>	
Total		12,712.00

The above appropriations are payable from funds in the Hospital Licensing Fund and shall be the maximum amounts expended therefrom.

2. Bureau of Vital Statistics:

For salaries	45,300.00
--------------------	-----------

The above appropriations are payable from the funds in the Vital Statistics Fund and shall be the maximum amounts expended therefrom.

XX. HIGHWAYS AND BRIDGES:

For interest and sinking funds on outstanding highway bonds, so much of the gasoline taxes and motor vehicle licenses collected as may be necessary to pay the same; and for the compensation of the State Highway Director, \$10,000.00; for transfer to the State Personnel Department, \$34,452.00 for the fiscal year ending September 30, 1956 and \$35,392.00 for the fiscal year ending September 30, 1957; for maintenance and construction of roads and bridges, for salaries and for other expenses of the Highway Department, the residue of gasoline taxes, motor vehicle licenses, and all other revenues coming in or accruing to the Highway Department by virtue of Federal aid.

XXI. DEPARTMENT OF INDUSTRIAL RELATIONS:

For salary of the Director, estimated	10,000.00
---------------------------------------	-----------

For transfer to the State Personnel
Department:

For the fiscal year ending September 30, 1956	8,140.00
--	----------

For the fiscal year ending September 30, 1957	8,362.00
--	----------

For other salaries and expenses incident to the operation and management of the Department; for U. S. Employment Service, U. S. Unemployment Compensation and for such other funds, services and operations for which the United States Government may provide monies: there is hereby appropriated, in addition to the amounts appropriated herein in Item V (9), all such sums as the United States Government may make available therefor.

XXII. STATE INSURANCE FUND:

For the fiscal year ending
September 30, 1956:

For salaries	46,436.00	
For other expenses	16,877.00	
For equipment purchases	6,750.00	
Total		70,063.00

For the fiscal year ending
September 30, 1957:

For salaries	48,584.00	
For other expenses	18,877.00	
For equipment purchases	8,200.00	
Total		75,661.00

The above appropriation is payable out of the funds in the State Treasury to the credit of the State Insurance Fund, pursuant to Title 28, Section 325, Code of Alabama 1940.

XXIII. LAW ENFORCEMENT:

To carry out the provisions of Sections 251 and 260 of Title 29, Code of Alabama 1940, estimated	8,000.00
--	----------

**XXIV. STATE LICENSING BOARD FOR
GENERAL CONTRACTORS:**

For the fiscal year ending
September 30, 1956:

For salaries	18,060.00	
For other expenses	11,496.40	
For equipment purchases	300.00	
Total		29,856.40

For the fiscal year ending
September 30, 1957:

For salaries	18,060.00	
For other expenses	11,496.40	
For equipment purchases	500.00	
Total		30,056.40

In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contractors, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant.

The above appropriation is payable out of the funds in the State Treasury to the credit of the State Licensing Board for General Contractors pursuant to Title 46, Chapter 4, Code of Alabama, 1940.

**XXV. LIQUIFIED PETROLEUM GAS
COMMISSION:**

For salaries of three commissioners	7,500.00
For other salaries	12,180.00

For other expenses	6,085.00	
Total		25,765.00

The above appropriation is payable from funds in the State Treasury to the credit of the Liquified Petroleum Gas Fund and shall be the maximum amounts expended therefrom.

XXVI. ALABAMA MILK CONTROL BOARD:

For the fiscal year ending
September 30, 1956:

For salaries	52,932.00	
For other expenses	32,300.00	
For equipment purchases	3,000.00	
Total		88,232.00

For the fiscal year ending
September 30, 1957:

For salaries	56,652.00	
For other expenses	32,300.00	
For equipment purchases	2,500.00	
Total		91,452.00

The above appropriation shall be paid out of the Milk Control Board Fund as is provided in Title 22, Chapter 7, Code of Alabama 1940.

XXVII. BOARD OF NURSES EXAMINERS AND REGISTRATION:

For the fiscal year ending
September 30, 1956:

For salaries	18,364.00	
For other expenses	9,977.00	
For equipment purchases	1,000.00	
Total		29,841.00

For the fiscal year ending
September 30, 1957:

For salaries	19,683.00	
For other expenses	9,470.00	
For equipment purchases	1,500.00	
	<hr/>	
Total		30,653.00

The above appropriation is payable out of the funds in the State Treasury to the credit of the State Board of Nurses' Examiners and Registration as provided in Title 46, Chapter 10, Code of Alabama 1940, as amended.

XXVIII. OIL AND GAS FUND:

For the fiscal year ending
September 30, 1956:

For salaries	32,616.00	
For other expenses	15,687.50	
For equipment purchases	5,500.00	
For salaries, and expenses incurred in opening new oil fields	10,000.00	
	<hr/>	
Total		63,803.50

For the fiscal year ending
September 30, 1957:

For salaries	33,843.75	
For other expenses	15,687.50	
For equipment purchases	5,500.00	
For salaries and expenses incurred in opening new oil fields	15,000.00	
	<hr/>	
Total		70,031.25

The above appropriation is payable out of the funds in the State Treasury to the credit of the Oil and Gas Fund pursuant to the provisions of Act No. 1, approved May 22, 1945.

XXIX. PENSIONS:

1. For the Confederate veterans and their widows:

Such an amount as may be necessary to pay all the pensions allowed to Confederate soldiers and sailors and their widows.

2. PENSION COMMISSION:

For the fiscal year ending
September 30, 1956:

For salaries	4,200.00	
For other expenses	400.00	
For equipment purchases	300.00	
	<hr/>	
Total		4,900.00

For the fiscal year ending
September 30, 1957:

For salaries	4,200.00	
For other expenses	400.00	
	<hr/>	
Total		4,600.00

The above appropriation shall be paid out of the proceeds from the levy of the one mill tax as provided by Title 51, Section 19, of the Code of 1940.

XXX. PERSONNEL DEPARTMENT:

For the fiscal year ending
September 30, 1956:

For salary of the Director	7,500.00	
For other salaries	81,000.00	
For other expenses	16,000.00	
For equipment purchases	1,000.00	
	<hr/>	
Total		105,500.00

For the fiscal year ending
September 30, 1957:

For salary of the Director	7,500.00	
For other salaries	83,500.00	
For other expenses	16,000.00	
For equipment purchases	1,500.00	
	<hr/>	
Total		108,500.00

The above appropriation shall be paid from funds transferred to, or received by, the State Personnel Department provided in this or any other Act.

XXXI. PUBLIC SCHOOL FUND:

For the Public School Fund all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars (\$100.00) of taxable property in this State for the support and maintenance of the public schools and from other funds mentioned and enumerated in Sections 257, 258, and 260 of the Constitution of 1901; and the amount appropriated from all other funds as is now provided by law, provided however, not more than four per cent of all funds appropriated in this Section shall be used or expended otherwise than for the payment of teachers employed in such schools.

XXXII. PHYSICIANS' ASSOCIATION:

For salaries, other expenses and equipment purchases	12,500.00
---	-----------

XXXIII. ALABAMA PUBLIC SERVICE COMMISSION:

For salary of President and Two Associate Commissioners	21,300.00
For other salaries	117,228.00
For other expenses	58,767.00
For equipment purchases	6,000.00
Total	203,295.00

The above appropriation to the Alabama Public Service Commission shall be payable only out of inspection and supervision fees paid by utilities and transportation companies, and such parts or percentage of fees and taxes paid by motor carriers or motor transportation companies as are now or may be set aside by law to be used by the Commission; and all receipts from fees and taxes paid to the Alabama Public Service Commission in excess of \$50,000.00 at the end of each fiscal year shall revert to the General Fund in the State Treasury.

XXXIV. DEPARTMENT OF PUBLIC WELFARE:

For the salary of the Commissioner	10,000.00
--	-----------

For transfer to the State Personnel Department:

For the fiscal year ending September 30, 1956	10,879.00
--	-----------

For the fiscal year ending September 30, 1957	11,176.00
--	-----------

For other salaries and expenses incident to the operation and management of the Department for all welfare purposes as provided by law, there is hereby appropriated, in addition to the amounts set out in Item V (16) all Federal, State, County and Municipal funds made available therefor, provided that not more than the sum of two million dollars (\$2,000,000.00) of the State funds made available for welfare purposes may be used for administrative purposes of the Department, provided further, that not more than twenty-seven and one-half percentum of the State funds made available for welfare purposes may be allotted in any one quarter of a fiscal year.

XXXV. ALABAMA REAL ESTATE COMMISSION:

For the fiscal year ending
September 30, 1956:

For salaries	18,204.00	
For other expenses	17,085.00	
For equipment purchases	1,200.00	
Total		36,489.00

For the fiscal year ending
September 30, 1957:

For salaries	18,684.00	
For other expenses	16,885.00	
For equipment purchases	500.00	
Total		36,069.00

The above appropriation shall be paid out of the receipts to the Alabama Real Estate Fund as provided in Title 46, Chapter 14, of the Code of Alabama 1940, as amended, and the amounts appropriated herein shall be the maximum expenditure pursuant thereto.

XXXVI. STATE BOARD OF REGISTRATION FOR ARCHITECTS:

For the fiscal year ending
September 30, 1956:

For salaries	900.00	
For other expenses	1,702.50	
	<hr/>	
Total		2,602.50

For the fiscal year ending
September 30, 1957:

For salaries	900.00	
For other expenses	1,710.00	
For equipment purchases	120.00	
	<hr/>	
Total		2,730.00

The above appropriation is payable out of the funds in the State Treasury to the credit of the State Board of Registration for Architects pursuant to Title 46, Chapter 2, Code of Alabama 1940, as amended.

XXXVII. STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS:

For the fiscal year ending
September 30, 1956:

For salaries	11,340.00	
For other expenses	6,725.00	
For equipment purchases	400.00	
	<hr/>	
Total		18,465.00

For the fiscal year ending
September 30, 1957:

For salaries	11,880.00	
For other expenses	7,725.00	
For equipment purchases	500.00	
	<hr/>	
Total.....		20,105.00

The above appropriation is payable out of the funds in the State Treasury to the Credit of the Professional Engineers Fund as provided in Title 46, Chapter 7, Code of Alabama 1940, as amended.

XXXVIII. DEPARTMENT OF REVENUE:

For the Administrative Account of the Department of Revenue there is hereby transferred from the General Fund and appropriated as provided in Item V (19) of this Act,

For the fiscal year ending September 30, 1956	315,738.00
--	------------

For the fiscal year ending September 30, 1957	322,200.00
--	------------

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of Financial Institutions Excise Tax collections as part of the cost of operating said Department,

For the fiscal year ending September 30, 1956	26,176.00
--	-----------

For the fiscal year ending September 30, 1957	26,712.00
--	-----------

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of Gasoline Tax collections as part of the cost of operating said Department,

For the fiscal year ending September 30, 1956	110,000.00
--	------------

For the fiscal year ending September 30, 1957	110,000.00
--	------------

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from Income Tax collections, for the cost of collecting said tax,

For the fiscal year ending September 30, 1956	445,000.00
--	------------

For the fiscal year ending September 30, 1957	445,000.00
--	------------

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of Mileage Tax collections as part of the cost of operating said Department,

For the fiscal year ending September 30, 1956	90,000.00
--	-----------

For the fiscal year ending September 30, 1957	90,000.00
--	-----------

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of Motor Fuel Tax collections as part of the cost of operating said Department,

For the fiscal year ending September 30, 1956	60,000.00
--	-----------

For the fiscal year ending September 30, 1957	60,000.00
--	-----------

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of Motor Vehicle License collections as part of the cost of operating said Department,

For the fiscal year ending September 30, 1956	391,400.00
--	------------

For the fiscal year ending September 30, 1957	420,900.00
--	------------

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of Iron Ore Tonnage Tax collections as part of the cost of operating said Department,

For the fiscal year ending September 30, 1956	3,467.00
--	----------

For the fiscal year ending September 30, 1957	3,538.00
--	----------

There is hereby appropriated for transfer to the Revenue Department, Administrative Account, from the Public School Fund as part of the cost of collection of the 3-mill ad valorem tax,

For the fiscal year ending September 30, 1956	70,317.00
--	-----------

For the fiscal year ending September 30, 1957	71,756.00
--	-----------

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of Sales Tax collections as part of the cost of operating said Department,

For the fiscal year ending September 30, 1956	1,249,103.00
--	--------------

For the fiscal year ending September 30, 1957	1,274,670.00
--	--------------

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of Store License Tax collections as part of the cost of operating said Department,

For the fiscal year ending September 30, 1956	18,066.00
--	-----------

For the fiscal year ending September 30, 1957	18,436.00
--	-----------

There is hereby appropriated for transfer to Revenue Department,

Administrative Account, from the gross proceeds of the Tobacco Tax collections, as part of the cost of operating said Department,

For the fiscal year ending
September 30, 1956 227,010.00

For the fiscal year ending
September 30, 1957 231,656.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of Use Tax collections as part of the cost of operating said Department,

For the fiscal year ending
September 30, 1956 100,184.00

For the fiscal year ending
September 30, 1957 102,234.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds from the tax collections under the provisions of the Constitutional Amendment proposed by H. B. 683, conditional upon the ratification of said Constitutional Amendment 225,000.00

For the fiscal year ending
September 30, 1956:

Total 3,106,461.00

For the fiscal year ending
September 30, 1957:

Total 3,177,102.00

Total Conditional 225,000.00

DEPARTMENT OF REVENUE— ADMINISTRATIVE ACCOUNT:

For fiscal year ending
September 30, 1956:

For the salary of the Commissioner 10,000.00

For other salaries 1,886,590.00

For other expenses	1,049,361.00
For equipment purchases	33,000.00
For transfer to State Personnel Department	4,510.00
Total	2,983,461.00

For the fiscal year ending
September 30, 1957:

For the salary of the Commissioner	10,000.00
For other salaries	1,931,267.00
For other expenses	1,083,202.00
For equipment purchases	25,000.00
For transfer to State Personnel Department	4,633.00
Total	3,054,102.00

For salaries, other expenses and equipment purchases incident to the maintenance and operation of the Department of Revenue in collecting the taxes levied under the provision of the constitutional amendment proposed by HB 683, conditional upon the ratification of said constitutional amendment	225,000.00
---	------------

The amounts hereinabove appropriated for the cost of maintenance and operation of the Department of Revenue are in lieu of any other statutory provision for the payment of the cost of operating said Department or collection of the taxes as authorized by law. Provided, however, in addition to the amount hereinabove appropriated, there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by Local Acts of the Legislature as a charge for the collection of taxes or licenses.

**XXXIX. STATE BOARD OF
VETERINARY MEDICAL
EXAMINERS:**

For salaries	100.00	
For other expenses	2,900.00	
	<hr/>	
Total		3,000.00

The above appropriation is payable out of funds in the State Treasury to the credit of the State Board of Veterinary Medical Examiners, pursuant to the provisions of Act No. 945, approved September 13, 1951.

XL. SHIPPING POINT INSPECTION:

For the payment of expenses and salaries incident to operation of Shipping Point Inspection of Department of Agriculture and Industries	15,000.00
---	-----------

(This is the appropriation contemplated in Item XII B (3) In addition to the above appropriation, there is also hereby appropriated for Shipping Point Inspection, all fees and charges collected by the Commissioner of Agriculture and Industries under the provisions of Title 2, Chapter 1, Article 25, Code of Alabama 1940, pursuant to an agreement with the U. S. Department of Agriculture whereby cooperative Federal-State shipping point and terminal market inspection services for grading and classification of agricultural commodities are performed.

The above appropriation shall be paid out of the receipts to the Shipping Point Inspection Fund.

Section 3. That any surplus remaining in any appropriation herein made from the General Fund for the payment of salaries in any office, department, bureau, board, commission, or other

agency after provision has been made for the payment of all salaries in that office, department, bureau, board, commission, or other agency for which the appropriation is made, may be transferred, on order of the Governor, to any other appropriation herein made from the General Fund for the payment of all salaries in any office, department, bureau, board, commission, or other agency when the appropriation herein made from the General Fund for the payment of salaries in that office, department, bureau, board, commission, or other agency is insufficient to pay all the salaries in that office, department, bureau, board, commission, or other agency according to the pay plan recommended by the Personnel Board, and approved by the Governor.

Section 4. That, except as may be herein otherwise provided, the amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and that in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except for these appropriations designated as 'estimated', and all appropriations herein made except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages are and shall be subject to the terms, conditions, provisions and limitations of Title 55, Chapter 4, Article 3, Code of Alabama 1940.

Section 5. That nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school, or other educational or eleemosynary institution of the State to receive, collect or disburse any fees, tuition, charges, sales, endowments, trusts, or income therefrom, which it now or may hereafter be authorized to receive, collect or disburse.

Section 6. In addition to the appropriations herein made, all gifts, grants, or contributions, including grants by the Congress of the United States, municipalities, or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made.

Section 7. That, if any section, paragraph, sentence, clause, provision or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provisions, or portion of this Act, or any other appropriation or appropriations or portion thereof hereby made, not in and of itself unconstitutional or invalid.

Section 8. That all laws and parts of laws, general, special, private or local, in conflict with or inconsistent with the provisions of this Act be, and the same are hereby expressly repealed.

Section 9. That this Act shall become effective on October 1, 1955.

Approved September 7, 1955.

Time: 2:00 P.M.

Act No. 349

H.568—Hawkins, Goodwyn, Oden, Selman, Shumate, Albea, Steagall, Thomas, Tyson, Jenkins, McClendon (Chambers), Payne, Franklin, Solomon, Brassell, Crook, Hare, Murphy, Simon, Hanby, Gist, Lackey, Edwards (Jefferson), Vacca, Nice, Harrison

AN ACT

To amend Sections 207, Title 26, Code of Alabama 1940, as amended, the same relating to weekly benefit amount, and 208, Title 26, Code of Alabama 1940, the same relating to weekly benefit for unemployment, both relating to unemployment compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 207, Title 26, Code of Alabama 1940, as amended, be, and the same is hereby amended to read as follows:

“S 207. Weekly benefit amount.—An individual's weekly “benefit amount” shall be the amount appearing in Column B in the table of this section on the same horizontal line on which in Column A of such table, there appears the total wages paid to such individual for insured work in that quarter of his base period in which such total wages were highest:

Column A Wages paid in Highest Quarter of Base Period	Column B Weekly Benefit Amount	Column C Qualifying Wages in Base Period
112.00 and under	None	None
112.01—169.00	\$ 6.00	\$ 210.00
169.01—195.00	7.00	245.00
195.01—221.00	8.00	280.00
221.01—247.00	9.00	315.00
247.01—273.00	10.00	350.00
273.01—299.00	11.00	385.00

299.01—325.00	12.00	420.00
325.01—351.00	13.00	455.00
351.01—377.00	14.00	490.00
377.01—403.00	15.00	525.00
403.01—429.00	16.00	560.00
429.01—455.00	17.00	595.00
455.01—481.00	18.00	630.00
481.01—507.00	19.00	665.00
507.01—533.00	20.00	700.00
533.01—559.00	21.00	735.00
559.01—585.00	22.00	770.00
585.01—611.00	23.00	805.00
611.01—637.00	24.00	840.00
637.01 and over	25.00	875.00

Section 2. That Section 208, Title 26, Code of Alabama 1940, be, and the same is amended to read as follows:

"S 208. Weekly benefit for unemployment.—Each eligible individual who is totally unemployed or partially unemployed in any week shall be paid with respect to such week a benefit in an amount equal to his weekly benefit amount less that part of the wages (if any) payable to him with respect to such week which is in excess of six dollars. Such benefit, if not a multiple of one dollar, shall be computed to the nearest multiple of one dollar."

Section 3. The provisions of this Act shall not apply to a weekly benefit amount already established.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming law.

Approved September 7, 1955.

Time: 1:30 P.M.

Act No. 350

H. 569—Hawkins, Goodwyn, Oden, Selman, Shumate, Albea, Steagall, Thomas, Tyson, Jenkins, McClendon (Chambers), Payne, Franklin, Solomon, Brassell, Crook, Hare, Murphy, Simon, Hanby, Gist, Lackey, Edwards (Jefferson), Vacca, Nice, Harrison.

AN ACT

To amend Section 287 of Title 26, Code of Alabama 1940, as amended, the same relating to the order in which total dependents take compensation under the workmen's compensation law.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 287, Title 26, Code of Alabama 1940, as amended, be, and the same is hereby amended to read as follows:

S 287. Order in which total dependents take.—

Total dependents shall be entitled to take compensation in the order named in section 281 of this title until the percent of the average weekly earnings of the deceased during the time and as specified in section 283 of this title shall have been exhausted; but the total compensation to be paid to all total dependents of a deceased employee shall not exceed in the aggregate twenty-eight dollars per week, except as otherwise provided herein.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming law.

Approved September 7, 1955.

Time: 1:32 P.M.

Act No. 351

H. 570—Hawkins, Goodwyn, Oden, Selman, Shumate, Albea, Steagall, Thomas, Tyson, Jenkins, McClendon, Payne, Franklin, Solomon, Brassell, Crook, Hare, Murphy, Simon, Hanby, Gist, Lackey, Edwards (Jefferson), Vacca, Nice, Harrison

AN ACT

To amend Section 292 of Title 26, Code of Alabama 1940, as amended, the same relating to the waiting period in temporary disability claims under the workmen's compensation law.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 292, Title 26, Code of Alabama 1940, as amended, be, and the same is hereby amended to read as follows:

S 292. Waiting period.—

In cases of temporary total or temporary partial disability no compensation shall be allowed for the first seven days after

disability, except as provided by section 293 of this title, nor in any case unless the employer has actual knowledge of the injury or is notified thereof within the period specified in section 294 of this title. Compensation shall begin with the eighth day after disability and in the event the disability from the injury exists for a period as much as twenty-eight days, compensation for the first seven days after the injury shall be added to and payable with the first installment due the employee after the expiration of the twenty-eight days.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming law.

Approved September 7, 1955.

Time: 1:35 P.M.

Act No. 352

H. 571—Hawkins, Goodwyn, Oden, Selman, Shumate, Albea, Steagall, Thomas, Jenkins, Tyson, McClendon (Chambers), Payne, Franklin, Solomon, Brassell, Crook, Hare, Murphy, Simon, Hanby, Gist, Lackey, Edwards (Jefferson), Vacca, Nice, Harrison

AN ACT

To amend Section 194 of Title 26, Code of Alabama 1940, as amended, the same pertaining to the definition of a "Benefit Year."

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 194, Title 26, Code of Alabama 1940, as amended, be, and the same is hereby amended to read as follows:

"S 194. Benefit Year.—"Benefit Year" as used in this chapter with respect to any individual, means the one-year period beginning with the first day of the first week with respect to which an individual who is unemployed first files a valid claim for benefits or a claim is filed by an employer on behalf of an employee working less than full time, and thereafter the one-year period beginning with the first day of the first week with respect to which such individual next files a valid claim for benefits or such claim is filed by an employer on behalf of an employee working less than full time, after the termination of his last preceding benefit year. A claim by any such unemployed individual, or a claim filed by an employer on behalf of an employee working less than full time, made in accordance with Section 215 of

this Title shall be deemed to be a 'valid claim' for the purposes of this section if the individual or such employee working less than full time for whom a claim is filed by an employer, has earned the wages for insured work required under Section 213 (E) of this Title. Notwithstanding the provisions of this section, if, by reason of a disqualification imposed under Section 214 of this Title the individual is not entitled to benefits on account of the wages paid to him in what normally would be his base period, no benefit year shall be established.

Section 2. The provisions of this Act shall apply to claims filed after its effective date.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming law.

Approved September 7, 1955.

Time: 1:38 P.M.

Act No. 353

H. 572—Hawkins, Goodwyn, Oden, Selman, Shumate, Albea, Steagall, Thomas, Tyson, Jenkins, McClendon, Payne, Franklin, Solomon, Brassell, Crook, Hare, Murphy, Simon, Hanby, Gist, Lackey, Edwards (Jefferson), Vacca, Nice, Harrison.

AN ACT

To amend Section 213 of Title 26, Code of Alabama 1940, as amended, the same relating to benefit eligibility conditions for unemployment compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 213, Title 26, Code of Alabama 1940, as amended, be, and the same is hereby amended to read as follows:

"S 213. Benefit Eligibility Conditions.—

An unemployed individual shall be eligible to receive benefits with respect to any week only if the director finds that—

A. He has made a claim for benefits with respect to such week in accordance with such regulations as the director may prescribe.

B. He has registered for work at, and thereafter continued to report at, an employment office in accordance with such regulations as the director may prescribe, except that the director may, by regulation waive or alter either or both of the requirements of this section as to individuals attached to regular jobs and as to such other type of cases or situations with respect to

which he finds that compliance with such requirements would be oppressive, or would be inconsistent with the purposes of this chapter.

C. He is physically and mentally able to perform work of a character which he is qualified to perform by past experience or training, and he is available for such work either at a locality at which he earned wages for insured work during his base period or at a locality where it may reasonably be expected that such work may be available.

D. He has been totally unemployed for a waiting period of one week (and for the purpose of this section two weeks of partial unemployment, whether or not consecutive, shall be deemed to be equivalent to one week of total unemployment). Odd job earnings, less than his weekly benefit amount earned in the first waiting period shall not make that week a week of partial unemployment, if he has no earnings in his second week of unemployment. No week shall be counted as a week of unemployment for the purpose of this subsection:

(1) If benefits have been paid with respect thereto.

(2) Unless the individual was otherwise eligible for benefits with respect thereto as provided in articles 4 and 5 of this chapter.

(3) Unless it occurs within the benefit year which includes the week with respect to which he claims payment of benefits, provided that this requirement shall not interrupt the payment of benefits for consecutive weeks of unemployment.

E. He has during his base period earned wages for insured work equal to not less than the amount appearing in Column C of the table in Section 207 of this title, on the same horizontal line on which in Column B of that table appears his weekly benefit amount.

Section 2. The provisions of this Act shall apply only to claims filed after it becomes effective.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming law.

Approved September 7, 1955.

Time: 2:40 P.M.

Franklin, Solomon, Brassell,
Crook, Hare, Murphy, Simon,
Hanby, Gist, Lackey, Edwards
(Jefferson), Vacca, Nice, Har-
rison

AN ACT

To amend Section 293 of Title 26, Code of Alabama 1940, as amended, the same relating to medical, surgical and hospital service under the workmen's compensation law.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 293, Title 26, Code of Alabama 1940, as amended, be, and the same is hereby amended to read as follows:

S 293. Medical, surgical and hospital service.—

In addition to the compensation herein provided, the employer shall pay the actual cost of reasonably necessary medical and surgical treatment and attention, medicine, medical and surgical supplies, crutches and apparatus, as may be obtained by the injured employee during the first ninety days of disability, or in case of death within said ninety days, obtained during the period occurring between the time of the injury and his death therefrom. The total liability of the employer under this section shall not exceed the aggregate of one thousand dollars, and the pecuniary liability of the employer for such services rendered the employee shall be limited to such charges as prevail for similar treatment in the community where the injured employee resides. In case an insurer of the employee or a benefit association is liable for such medical, surgical and hospital service, or for a part thereof, or in case the employee is entitled to the same or a part thereof, from any source whatever federal, without any loss of benefit to the employee, the employer shall not be required in such case to pay any part of by virtue of any agreement or understanding, or law, state or such expense, unless said benefits are insufficient to pay as much as said one thousand dollars, and in such event the employer shall be liable for the deficiency only. All cases of dispute as to the necessity and value of such services shall be determined by the tribunal having jurisdiction of the claim of the injured employee for compensation. In addition to the medical and surgical treatment provided during ninety days of disability, the employer may, if he so elects, furnish to the injured employee such medical and surgical treatment and attention, medical and surgical supplies, crutches and apparatus for such time thereafter as he desires to furnish the same, and the employee shall accept the same; if the employer furnishes such medical and surgical attention and supplies during such ninety day period he shall not be liable under this section, except for such of said

services and supplies as may, in an emergency, be procured by the employee elsewhere; in no event, however, shall the total liability hereunder exceed one thousand dollars. The injured employee must submit himself to examination by the employer's physician at all reasonable times, if requested to do so by the employer but the employee shall have the right to have a physician of his own selection present at such examination, in which case the employee shall be liable to such physician for his services. The employer shall pay for the services of the physician making the examination at the instance of the employer. And in case of dispute as to the injury, the court may, at the instance of either party, or of its own motion, appoint a neutral physician of good standing and ability to make an examination of the injured person and report his findings to the court, the expense of which examination shall be borne equally by the parties. If the injured employee refuses to comply with any reasonable request for examination or refuses to submit to medical and surgical treatment and attention, or refuses to accept the medical service which the employer elects to furnish under the provisions of this chapter his right to compensation shall be suspended, and no compensation shall be payable for the period of such refusal. Any physician whose services are furnished or paid for by the employer, or any physician of the injured employee, and who treats or makes or is present at any examination of an injured employee may be required to testify as to any knowledge by him in the course of such treatment or examination as same related to the injury or disability arising therefrom. Any such physician shall, upon written request of the injured employee or his employer, furnish to such injured employee or his employer a written statement of his professional opinion as to the extent of the injury and disability. In all death claims where the cause of death is obscure or is disputed, any interested party may require an autopsy, the cost of which is to be borne by the party demanding the same.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming law.

Approved September 7, 1955.

Time: 2:41 P.M.

Act No. 355

H. 574—Hawkins, Goodwyn, Oden, Selman, Shumate, Albea, Steagall, Thomas, Tyson, Jenkins, McClendon, Payne, Franklin, Solomon, Brassell, Crook, Hare, Murphy, Simon, Hanby, Gist, Lackey, Edwards (Jef-

ferson), Vacca, Nice, Harrison.

AN ACT

To amend Section 279, Title 26, Code of Alabama 1940, as amended, which deals with the schedule of compensation under the Workmen's Compensation Law.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 279 of Title 26, Code of Alabama 1940, as amended, be, and the same is, hereby amended to read as follows:

"S 279. Schedule of compensation. — Following is the schedule for compensation:

(A) Temporary Total Disability.

For injury producing temporary total disability, fifty-five percent of the average weekly earnings received at the time of injury, subject to a maximum compensation of twenty-eight dollars per week, and a minimum of five dollars per week; but if at the time of injury the employee received average weekly earnings of less than five dollars per week, then he shall receive the full amount of such average weekly earnings per week. This compensation shall be paid during the time of such disability, not, however, beyond three hundred weeks. Payments are to be made at the intervals when the earnings were payable, as nearly as may be.

(B) Temporary Partial Disability.

1. In general.

In all cases of temporary partial disability the compensation shall be fifty-five percent of the difference between the average weekly earnings of the workman at the time of the injury and the average weekly earnings he is able to earn in his partially disable condition. This compensation shall be paid during the period of such disability, not, however, beyond three hundred weeks, payments to be made at the intervals when the earnings were payable, as nearly as may be, and subject to the same maximum as stated in subsection (A).

2. When partially disabled employee leaves first employment.

If the injured employee who is receiving such compensation for temporary partial disability should leave the employment of the employer by whom he was employed at the time of the accident for which such compensation is being paid, he shall, upon securing employment elsewhere, give to such former em-

ployer an affidavit in writing containing the name of his new employer, the place of employment, and the amount of wages being received at such new employment, and until he gives such affidavit, the compensation for temporary partial disability shall cease. The employer by whom such employee was employed at the time of the accident for which such compensation is being paid may also at any time demand of such employee additional affidavit in writing containing the name of his employer, the place of his employment, and the amount of wages he is receiving, and if the employee, upon such demand, fails or refuses to make and furnish such affidavit, his right to compensation for temporary partial disability shall cease until such affidavit is made and furnished.

(C) 1. Permanent partial Disability.

For permanent partial disability the compensation shall be based upon the extent of such disability. In cases included in the following schedule the compensation shall be fifty-five percent of the average weekly earnings, during the number of weeks set out in the following schedule:

For the loss of a thumb, sixty weeks.

For the loss of a first finger, commonly called index finger, forty-five weeks.

For the loss of a second finger, thirty weeks.

For the loss of a third finger, twenty weeks.

For the loss of a fourth finger, commonly called little finger, fifteen weeks.

The loss of the first phalange of the thumb, or of any finger, shall be considered as equal to the loss of one-half of such thumb, or finger, and compensation shall be paid at the prescribed rate during one-half of the time specified above for such thumb or finger.

The loss of two or more phalanges shall be considered as the loss of the entire finger or thumb; but in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

For the loss of a great toe, thirty weeks.

For the loss of any of the toes other than the great toe, ten weeks.

The loss of the first phalange of any toe shall be considered to be equal to the loss of one-half of such toe, and compensation shall be paid at the prescribed rate during one-half the time prescribed above for such toe.

The loss of two or more phalanges shall be considered as the loss of the entire toe.

For the loss of a hand, one hundred and fifty weeks.

For the loss of an arm, two hundred weeks.

For the loss of a foot, one hundred and twenty-five weeks.

Amputations between the elbow and wrist shall be considered as the equivalent to the loss of a hand, and the amputation between the knee and ankle shall be considered as the equivalent of the loss of a foot.

For the loss of a leg, one hundred and seventy-five weeks.

For the loss of an eye, one hundred weeks.

For the complete and permanent loss of hearing in both ears, one hundred and fifty weeks.

For the complete and permanent loss of hearing in one ear, fifty weeks.

For the loss of an eye and a leg, three hundred and fifty weeks.

For the loss of an eye and one arm, three hundred and fifty weeks.

For the loss of an eye and a hand, three hundred and twenty-five weeks.

For the loss of an eye and a foot, three hundred weeks.

For the loss of two arms, other than at the shoulder, four hundred weeks.

For the loss of two hands, four hundred weeks.

For the loss of two legs, four hundred weeks.

For the loss of two feet, four hundred weeks.

For the loss of one arm and the other hand, four hundred weeks.

For the loss of one hand and one foot, four hundred weeks.

For the loss of one leg and the other foot, four hundred weeks.

For the loss of one hand and one leg, four hundred weeks.

For the loss of one arm and one foot, four hundred weeks.

For the loss of one arm and one leg, four hundred weeks.

For serious disfigurement, not resulting from the loss of a member or other injury specifically compensated, materially af-

fecting the employability of the injured person in the employment in which he was injured or other employment for which he is then qualified, fifty-five percent of the average weekly earnings for such period as the court may determine, not exceeding one hundred weeks.

2. Concurrent injuries.

When an employee sustains concurrent injuries resulting in concurrent disabilities, he shall receive compensation, only for the injury which entitles him to the largest amount of compensation, but this section shall not affect liability for the concurrent loss of more than one member for which members compensation is provided in the specific schedule and in subsection (D).

3. Loss of use of a member.

In all cases the permanent and total loss of the use of a member shall be considered as equivalent to the loss of that member, but in such cases the compensation in and by said schedule shall be in lieu of all other compensation. In case of permanent disability, due to injury to a member resulting in less than total loss of use of such member, not otherwise compensated in this schedule, compensation shall be paid at the prescribed rate during that part of the time specified in the schedule for the total loss or total loss of use of the respective member, which the extent of the injury to the member bears to its total loss.

4. Employee refusing employment.

If an injured employee refuses employment suitable to his capacity, offered to or procured for him, he shall not be entitled to any compensation at any time during the continuance of such refusal unless at any time in the opinion of the judge of the circuit court of the county of his residence, such refusal is justifiable.

5. Permanent partial maximum and minimum.

All compensations provided in subsection (C) of this section for loss of members, or loss of use of members, are subject to the same limitations as to maximum and minimum as stated in subsection (A).

6. All other permanent partial.

In all other cases of permanent partial disability not above enumerated, the compensation shall be fifty-five percent of the difference between the average weekly earnings of the workman at the time of the injury and the average weekly earnings he is able to earn in his partially disabled condition subject to the same maximum as stated in subsection (A).

7. Maximum time.

Compensation shall continue during disability, not however beyond three hundred weeks.

8. Affidavit of new employment.

In case the injured employee leaves the services of the employer for whom he was working at the time of the accident and accepts employment elsewhere, he shall make and furnish affidavit as to his new employment in the manner as required in subsection (B).

(D) 1. Permanent Total.

For permanent total disability as defined in subsection (E) fifty-five percent of the average weekly earnings received at the time of the injury, subject to a maximum compensation of twenty-eight dollars per week and a minimum compensation of five dollars per week; provided that if at the time of injury the employee was receiving earnings of less than five dollars per week, then he shall receive the full amount of his earnings per week. This compensation shall be paid during such permanent total disability, not exceeding five hundred and fifty weeks but in no event shall the aggregate of such payments exceed \$11,200, payment to be made at the intervals when the earnings were payable, as nearly as may be. Such payments with the approval of the circuit judge, may be made monthly or quarterly.

2. Employee inmate of public institution.

In case an employee, who is permanently and totally disabled becomes an inmate of a public institution, then no compensation shall be payable unless he has wholly dependent on him for support a person or persons named in Sections 280 and 281 of this title, whose dependency shall be determined as if the employee were deceased, in which case the compensation provided for in this subsection shall be paid for the benefit of such person so dependent, during dependency, in the manner ordered by the court, while the employee is an inmate in such institution.

(E) Permanent Total Disability Defined.

The total and permanent loss of the sight of both eyes or the loss of both arms at the shoulder, or complete and permanent paralysis or total and permanent loss of mental faculties, which totally incapacitate the employee from working at an occupation which brings him an income, shall constitute permanent total disability.

1. Other second permanent injury.

If an employee has a permanent disability or has previously sustained another injury than that in which he received a

subsequent permanent injury by accident such as is specified in the sections herein defining permanent injury, he shall be entitled to compensation only for the degree of injury that would have resulted from the latter accident if the earlier disability or injury had not existed.

2. Certain second permanent injuries.

If any employee has previously lost or lost the use of one eye, one leg, one arm, one foot, or one hand, and thereafter in the same employment or in the employment of another, he should by accident receive additional injuries so as to proximately cause the loss or loss of use of both eyes, both legs, both arms, both feet, or both hands, said employee shall receive compensation equal to the amount provided hereunder for one who has received a permanent total disability, such compensation to be paid by the employer to the extent that such employer would have to pay compensation for the degree of injury that would have resulted from the accident if the earlier disability or injury had not existed and the remainder of the amount of such compensation after the completion of such payments by the employer shall be paid by the Director of Industrial Relations as Trustee from any amounts from time to time standing to his account as such Trustee in the Second Injury Trust Fund.

3. Other permanent total disabilities.

For permanent total disability other than as defined in subsection (E) fifty-five percent of the average weekly earnings received at the time of injury subject to a maximum compensation of twenty-eight dollars per week, and a minimum compensation of five dollars per week; but if at the time of the injury the employee was receiving earnings of less than five dollars per week, then he shall receive the full amount of his earnings per week. This compensation shall be paid during the period of such permanent disability not exceeding four hundred weeks; payments to be made at the intervals when the earnings were payable as nearly as may be. Such payments with the consent of the circuit judge, may be made monthly or quarterly.

4. Benefits not concurrent; exception.

If an employee received an injury for which compensation is payable while he is still receiving or entitled to compensation for a previous injury in the same employment, he shall not at the same time be entitled to compensation for both injuries, unless the later injury be a permanent injury, such as specified in this section; but he shall be entitled to compensation for that injury and from the time of that injury which will cover the longest period and the largest amount payable under articles 1 and 2 of this chapter.

5. Second permanent injuries resulting in permanent total disability.

If an employee received a permanent injury as specified in this section, after having sustained another permanent injury in the same employment, he shall be entitled to compensation for both injuries, but the total compensation shall be paid by extending the period and not by increasing the amount of weekly compensation, and in no case exceeding five hundred weeks. When the previous and subsequent injuries received in the same employment result in total disability compensation shall be payable for permanent total disability, but payments made for the previous injury shall be deducted from the total payment of compensation due.

(F) Compensation for Death after Disability.

In case a workman sustained an injury occasioned by an accident arising out of and in the course of his employment and during the period of disability caused thereby death results proximately therefrom, all payments previously made as compensation for such injury shall be deducted from the compensation, if any due on account of death.

If a workman has sustained a permanent disability, the degree of which has been agreed upon by the parties or has been ascertained by the court, and death results not proximately therefrom, his widow and/or dependent children shall be entitled to the balance of the payments which would have been due and payable to the workman.

1. Hernia.

In all claims for compensation for hernia resulting from injury by an accident arising out of and in the course of his employment, it must be definitely proved to the satisfaction of the court:

- (a) That there was an injury resulting in hernia.
- (b) That the hernia appeared suddenly.
- (c) That it was accompanied by pain.
- (d) That the hernia immediately followed an accident.
- (e) That the hernia did not exist prior to the accident for which compensation is claimed.

All hernia, inguinal, femoral or otherwise, so proved to be the result of an injury by accident arising out of and in the course of the employment shall be treated in a surgical manner by radical operation. In case the injured employee refuses to undergo the radical operation for the cure of said hernia, no compensation will be allowed during the time such refusal continues.

If however, it is shown that the employee has some chronic disease, or is otherwise in such physical condition that the court considers it unsafe for the employee to undergo said operation, the employee shall be paid as otherwise provided in this chapter.

(G) Average Weekly Earnings Basis of Benefits.

Compensation hereunder shall be computed on the basis of the average weekly earnings. Average weekly earnings shall mean the earnings of the injured employee in the employment in which he was working at the time of the injury during the period of fifty-two weeks immediately preceding the date of the injury divided by fifty-two; but if the injured employee lost more than seven consecutive calendar days during such period although not in the same week, then the earnings for the remainder of such fifty-two weeks shall be divided by the number of weeks remaining after the time so lost has been deducted. Where the employment prior to the injury extended over a period of less than fifty-two weeks, the method of dividing the earnings during that period by the number of weeks and parts thereof of which the employee earned wages shall be followed, provided results just and fair to both parties will thereby be obtained. Where by reason of the shortness of the time during which the employee has been in the employment of his employer, or the casual nature or terms of the employment, it is impracticable to compute the average weekly earnings as above defined, regard shall be had to the average weekly amount which during the fifty-two weeks prior to the injury was being earned by a person in the same grade, employed at the same work by the same employer, and if there is no such person employed, by a person in the same grade employed in the same class of employment in the same district. Wherever allowances of any character made to an employee in lieu of wages are specified as part of the wage contract, they shall be deemed a part of his earnings.

(H) Percentage Increase for Wife and Children.

Wherever in this section there is a provision for fifty-five percent, such percent shall be increased five percent for a dependent wife and five percent for each dependent child of the employee under the age of eighteen years at the time of the injury to the employee until such percent shall reach a maximum of sixty-five percent. The increase in the above percent shall be paid only during the dependency of the dependent upon whom such increase is based.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming law.

Approved September 7, 1955.
Time: 1:50 P.M.

Act No. 356

H. 575—Hawkins, Goodwyn, Oden, Selman, Shumate, Albea, Steagall, Thomas, Tyson, Jenkins, McClendon, Payne, Franklin Solomon, Brassell, Crook, Hare, Murphy, Simon, Hanby, Gist, Lackey, Edwards (Jefferson), Vacca, Nice, Harrison.

AN ACT

To amend Section 283 of Title 26, Code of Alabama 1940, as amended, the same relating to death compensation under the workmen's compensation law.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 283, Title 26, Code of Alabama 1940, as amended, be, and the same is hereby amended to read as follows:

S 283. Death compensation.—

In death cases, where the death results proximately from the accident within three years, compensation payable to dependents shall be computed on the following basis and shall be paid to the persons entitled thereto without administration, or to a guardian or such other person as the court may direct, for the use and benefit of the person entitled thereto.

A. Persons Entitled to Benefits.

1. If the deceased employee leaves dependent widow or widower and no dependent child, there shall be paid to the widow or widower thirty-five percent of the average weekly earnings of the deceased.

2. If the deceased employee leaves a dependent widow or dependent husband and one dependent child, there shall be paid to the widow or husband, for the benefit of herself or himself and such child, forty-five percent of the average weekly earnings of the deceased.

3. If the deceased employee leaves a dependent widow or dependent husband and two dependent children, there shall be paid to the widow or husband for the benefit of herself or himself and such children, fifty-five percent of the average weekly earnings of the deceased.

4. If the deceased employee leaves a dependent widow or dependent husband and three or more dependent children, there shall be paid to the widow or husband for the benefit of herself or himself and such children sixty-five percent of the average weekly earnings of the deceased.

5. In all cases where compensation is payable to a widow or husband for the benefit of herself or himself and dependent child or children, the court shall at any time have the power to determine, in its discretion, what portion of the compensation shall be applied for the benefit of any such child or children and may order the same paid to a guardian.

6. If the deceased employee leaves a dependent child or dependent children and no dependent widow or dependent husband, there shall be paid, if only one child, thirty-five percent of the average weekly earnings of the deceased, and if more than one child, an additional ten percent of such average weekly earnings for each additional child, but not exceeding sixty-five percent of the average weekly earnings of the deceased.

7. If the deceased employee leaves no widow or child or husband entitled to any payment hereunder, but leaves a parent or parents, either or both of whom are wholly dependent on the deceased, there shall be paid, if only one parent, thirty-five percent of the average weekly earnings of the deceased, and if both parents, forty-five percent of the average weekly earnings of the deceased, to such parent or parents.

8. If the deceased employee leaves no widow or child or husband or parent entitled to any payment hereunder, but leaves a grandparent, brother, sister, mother-in-law or father-in-law, wholly dependent on him for support, there shall be paid to such dependent, if but one, twenty-five percent of the average weekly earnings of the deceased, or if more than one, thirty-five percent of the average weekly earnings of the deceased, divided between or among them, share and share alike.

9. Partial dependents shall be entitled to receive only that proportion of the benefits provided for total dependents, which the average amount of the earnings regularly contributed by the deceased employee to such partial dependent, at and for a reasonable time immediately prior to the injury, bore to the total income of the dependent during the same time.

10. If the deceased employee leaves a dependent widow, or dependent husband, or dependent child, or dependent children, or two or more such dependents entitled to compensation, and the total compensation payable to all of such dependents is less than sixty-five percent of the average weekly earnings of the deceased employee and less than twenty-eight dollars a week, and the deceased employee also leaves a parent or parents wholly dependent on him for support, then such parent or such parents if more than one, shall in the manner provided in subsection (7) hereof, be paid such a percentage of the average weekly earnings of the deceased as is equal to the difference between sixty-five percent of the average weekly earnings of

the deceased and the percentage of such earnings payable to such widow or husband and such child or children as is or are left by such deceased employee; provided that the maximum weekly compensation payable to such parent or parents under this subsection shall not exceed the difference between twenty-eight dollars and the weekly compensation payable to such widow, or husband and child or children, as is or are left by the deceased employee.

11. If compensation is being paid under this article to any dependent, such compensation shall cease upon the death or marriage of such dependent, unless otherwise provided in this article.

Upon the cessation of compensation to or for any dependent, for any cause, the compensation of the remaining dependents entitled to compensation shall, for the unexpired period during which their compensation is payable, be that which would have been payable to them had they been the only persons entitled to compensation at the time of the death of the deceased employee.

B. Maximum and Minimum Death Compensation.

The compensation payable in case of death to persons wholly dependent shall be subject to a maximum compensation of twenty-eight dollars per week and a minimum of five dollars per week; but if at the time of injury the employee receives earnings of less than five dollars per week, then the compensation shall be the full amount of such earnings per week. The compensation payable to partial dependents shall be subject to a maximum of twenty-eight dollars per week and a minimum of five dollars per week; but if the income loss of said partial dependent by such death is less than five dollars per week, then the dependent shall receive the full amount of their income loss. This compensation shall be paid during dependency, not exceeding three hundred weeks, payments to be made at the interval when the earnings were payable, as nearly as may be.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming law.

Approved September 7, 1955.

Time: 1:51 P.M.

Act No. 357

H. 576—Hawkins, Goodwyn, Oden, Selman, Shumate, Albea, Steagall, Thomas, Jenkins, Tyson, McClendon, Payne, Franklin, Solomon, Brassell, Crook, Hare,

Murphy, Simon, Hanby, Gist,
Lackey, Edwards (Jefferson),
Vacca, Nice, Harrison

AN ACT

To amend Act No. 689 of the 1947 Legislature, entitled: "An Act to establish a special Trust Fund to be known as the Second Injury Trust Fund for the use and benefit of employees who suffer certain second injuries in the nature of permanent total disability, to require employers to pay into said Second Injury Trust Fund a lump sum certain upon the death of an employee covered by the Workmen's Compensation Law when there is no person entitled to workmen's compensation, to provide for the escheat to said Second Injury Trust Fund of judgments under the Employer's Liability Act if there is no person to whom the judgment may be paid, to authorize the Director of Industrial Relations to act as Trustee for said Fund, to authorize the State Treasury to act as Custodian of said Fund with power of investment and reinvestment of monies paid into said Fund, to authorize payments to be made therefrom for compensation for certain second injuries, and to provide a method for adjudicating claims made against the Trustee of said Fund."

Be It Enacted by the Legislature of Alabama:

Section 1. That Act No. 689 of the 1947 Legislature, entitled: "An Act to establish a special Trust Fund to be known as the Second Injury Trust Fund for the use and benefit of employees who suffer certain second injuries in the nature of permanent total disability, to require employers to pay into said Second Injury Trust Fund a lump sum certain upon the death of an employee covered by the Workmen's Compensation Law when there is no person entitled to workmen's compensation, to provide for the escheat to said Second Injury Trust Fund of judgments under the Employer's Liability Act if there is no person to whom the judgment may be paid, to authorize the Director of Industrial Relations to act as Trustee for said Fund, to authorize the State Treasury to act as Custodian of said Fund with power of investment and reinvestment of monies paid into said Fund, to authorize payments to be made therefrom for compensation for certain second injuries, and to provide a method for adjudicating claims made against the Trustee of said Fund," be, and the same is hereby amended to read as follows:

Section 1. There is hereby established a special Trust Fund to be known as "Second Injury Trust Fund," the monies, investments and interest from investments in which Fund shall be in the custody of the State Treasurer and shall be held for the benefit of the persons hereinafter provided. The Director of Industrial Relations shall act as Trustee of said Second Injury Trust Fund and shall furnish bond in an amount to be approved by the Governor, the Attorney General and the State Treasurer. The State Treasurer, as the Custodian of said Fund, shall give bond in an amount to be approved by the Governor, the Attorney

General and the Director of the Department of Industrial Relations. The premiums on the bonds of the Trustee and Custodian shall be paid out of said Second Injury Trust Fund.

Section 2. In the event death is caused to an employee covered by the Workmen's Compensation Law by a cause which imposes liability under said law, the employer shall pay to the Director of Industrial Relations for the benefit of the Second Injury Trust Fund the sum of one hundred dollars. Such payment shall be made at the time compensation payments are begun, or within ninety days of the death of the employee in case there is no dependent, or dependents, entitled to receive compensation. In any case arising out of circumstances for which damages lie under the Employer's Liability Act, and there is no person to whom judgment under the Employer's Liability Act may be paid, such judgment as an escheat shall become the property of the Trustee of the Second Injury Trust Fund and the net proceeds thereof (after court costs and lawful expenses of the personal representative) shall be deposited by said Trustee with the State Treasurer for deposit in said Fund. In case payment is, or has been made, into the Fund by reason of mistake or inadvertence, or under circumstances that justice requires a refund, the employer shall make claim to the Director for refund. If the Director finds the claim for refund is proper and should be paid, he shall make a requisition to the State Comptroller, who shall draw a warrant on the State Treasurer upon the Second Injury Trust Fund for the amount so paid by the employer.

Section 3. It shall be the duty and responsibility of the State Treasurer to determine whether the monies in said Fund shall be kept in cash or invested or sold or reinvested. The monies in said Fund may be invested only in obligations of the United States of America or fully guaranteed by the United States of America as to both principal and interest, or general obligations of the State of Alabama, and the proceeds of the interest together with repaid principal at maturity or upon redemption or upon sale may likewise be reinvested in such obligations. Any sale shall be for not less than the market value of such obligations at the time of sale.

Section 4. WHAT COMPENSATION TO BE PAID FROM FUND.—There shall be paid from the Fund the premiums on the fidelity bonds of the Trustee and Custodian, refunds when authorized by the Director as Trustee of the Fund, and payments of the remainder of compensation to the extent provided in subdivision 2 of subsection (E) of Section 279 of Title 26 of the 1940 Code of Alabama, as amended. After the employer payments of such compensation have been made, the Director shall each week make requisition to the State Comptroller who shall

draw warrants on the State Treasurer for the weekly compensation amount upon the Trust Fund. Such warrants shall be drawn only if there are sufficient monies in the Trust Fund for immediate payment. Claims shall take priority in ascending numerical order according to time of the accident and the time shown in the settlement between the employer and employee shall be prima facie evidence of the time of the accident.

Section 5. Every employer making a report of an accident in which there is prima facie evidence of a liability against the Second Injury Trust Fund shall so state in said report and upon a settlement between the employer and the employee the Director shall be deemed to have admitted liability against said Trust Fund, unless within sixty calendar days after receipt by the Department of Industrial Relations of a copy of the settlement between the employer and the employee the Director shall notify the employer and employee by registered mail sent to their respective last known addresses that as said Trustee he does not consider the Fund liable for any one or more Second Injury Trust Fund payments. Either the employer or the employee within thirty days after the date of mailing of such notice by the Director may appeal to the Circuit Court of the county of residence of the employee and said appeal shall be tried by the Judge of said court without the intervention of a jury upon issues to be made up by a complaint of the employer or employee, and an answer by the Director which answer shall be in effect a plea in short by consent and any matters which might at common law be otherwise pleaded or moved against the complaint shall be set forth in the first part of the answer. The complaint or answer may be amended at any time before trial. Such appeals shall be entitled to the same priority on the docket as other Workmen's Compensation cases. Appeals from the Circuit Court may be taken as in other appeals but shall be filed within thirty days after the final ruling of the Circuit Court.

Section 6. The Director of Industrial Relations may make general rules or regulations with respect to the administration of this Act after a hearing notice of which he shall have issued 30 days before said hearing.

Section 7. If any provision of this Act or the application of any provision hereof shall be held unconstitutional, such constitutionality shall extend only to said provision or said application as the case may be, and the remainder of this Act or its application to other circumstances shall not thereby be affected but shall continue in full force and effect.

Section 2. This Act shall take effect immediately on its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 7, 1955.
Time: 1:53 P.M.

Act No. 358

H. 577—Hawkins, Oden, Selman, Shumate, Albea, Steagall, Thomas, Jenkins, McClendon, Payne, Franklin, Solomon, Brassell, Crook, Hare, Murphy, Simon, Hanby, Gist, Lackey, Edwards (Jefferson), Vacca, Nice, Harrison

AN ACT

To amend Section 309 of Title 26, Code of Alabama 1940, as amended, the same relating to employers' rights to insure risks under the Workmen's Compensation Law.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 309, Title 26, Code of Alabama 1940, as amended, be, and the same is hereby amended to read as follows:

S 309. Employer given right to insure risks; self-insurer; conditions.—

(1) Option to insure risks.—Every employer who accepts the provisions of this chapter may secure the payment of compensation under this chapter by insuring and keeping insured his liability in some insurance corporation, association, organization or insurance association or corporation or association formed of employers and workmen or formed by a group of employers to insure the risks under this chapter operating by the mutual assessment or other plans or otherwise, provided that such insurance association, organization or corporation shall have first had its contract and plan of business approved in writing by the director of the department of insurance of Alabama and have been authorized by the said department to transact the business of workmen's compensation insurance in this state and under such charter or plan.

(2) Self-insurer.—Every employer who accepts the provisions of this chapter but elects not to insure his liability thereunder shall furnish satisfactory proof to the director of industrial relations of his financial ability to pay directly such compensation in the amount and manner and when due as provided in this chapter, whereupon the director shall authorize said employer to operate as a self-insurer.

(3) Evidence of compliance.—Every employer subject to the provisions of this chapter shall file with the director, on a

form prescribed by the director, annually, or as often as the director in his discretion deems necessary, evidence of compliance with the requirements of this section. In cases where insurance is taken with a carrier duly authorized to write such insurance in this State, notice of insurance coverage filed by the carrier shall be sufficient evidence of compliance by the insured.

(4) Certificate of compliance; issuance; revocation; appeal.—Whenever an employer has complied with the provisions of subsection (2) hereof relating to self-insurance, the director shall issue to such employer a certificate, which shall remain in force for a period fixed by the director. The director may, upon sixty days' notice and hearing to the employer, for financial reasons, or for failure of the employer to faithfully discharge his obligations according to the agreements contained in his application for self-insurance, revoke the self-insurance certificate, in which case the employer shall immediately insure his liability. Certificates of self-insurance issued prior to the effective date of this act shall continue in force but shall become subject to revocation as provided herein. At any time after such revocation the director may grant a new certificate to the employer upon his application.

An appeal may be taken from any ruling of the director under subsection (2) hereof and this subsection to the circuit court of any county wherein the employer does business. Trial in such court shall be de novo and without a jury unless the employer demands a jury trial at the time of taking such appeal; provided, however, the taking of any such appeal shall not supersede the ruling or order appealed from unless good and sufficient bond approved by the judge of the court to which the appeal is taken shall be filed with the clerk of said court conditioned on complying with such order as may be legally made effective and further conditioned upon payment by the employer of all final judgments for compensation that may be rendered against him pending the disposition of such appeal.

(5) Penalties for failure to secure compensation liability.—Any employer required to secure the payment of compensation under this chapter who fails to secure such compensation shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not less than twenty-five dollars nor more than one thousand dollars. The director is authorized to apply to any court of competent jurisdiction for an injunction to restrain threatened or continued violation of any provisions relating to the requirements of insurance or self-insurance.

(6) Conditions of insurance policies.—Insurance policies written pursuant hereto shall contain a clause to the effect that as between the workman and the insurer, notice to and

knowledge by the employer of the occurrence of the injury shall be deemed notice and knowledge on the part of the insurer; that jurisdiction of the employer for the purpose of articles 1 and 2 of this chapter shall be jurisdiction of the insurer, and that the insurer will in all things be bound by and subject to the awards, adjudgment or judgment rendered against such employer upon the risk so insured. Such policies shall provide that the workman shall have equitable lien upon any amount which shall become owing on account of such policy to the employer from the insurer, and in case of legal incapacity or inability of the employer to receive the said amount and pay it over to the workman or dependents, the said insurer will pay the same direct to the said workman or dependents, thereby discharging all obligations under the policy to the employer and all the obligations of the employer and the insurer to the workman, but such policies shall contain no obligations relieving the insurance company from payment when the employer becomes insolvent or discharged in bankruptcy or otherwise, during the period the policy is in force, if the compensation remains owing. The insurer must be one authorized by law to conduct such business in the State of Alabama, and all insurance companies writing such insurance may include in their policies, in addition to the requirements now provided by law, the additional requirements, terms and conditions in this section provided. Every insurance corporation, mutual corporation, reciprocal exchange or association authorized to transact the business of workmen's compensation insurance in this state and which insures employers against liability for compensation under the provisions of articles 1 and 2 of this chapter shall file with the department of insurance its classification of risks and premiums relating thereto and any subsequent proposed classification of risks and premiums, together with the basic rates and merit rating schedules, if a system of schedule-rating or merit-rating be used by such insurance corporation, exchange or association, none of which shall take effect until the director of the department of insurance shall have approved the same as reasonable, adequate and not excessive. Within ten days after such approval of said rates, schedules and system of schedule merit-rating by said director of the department of insurance, he shall make or cause to be made, a sufficient number of printed or typewritten copies of same for such purpose, and shall mail at least one copy of each of the same to every insurance carrier writing workmen's compensation business in the State of Alabama, at its last address, or at the last address of its designated agent to receive the same, left in writing by such carrier with said department. And every such insurance carrier shall (or if such insurance carrier be a member of or associated with a rating or inspection bureau, either or both of them or a concern or aggregation of like character, it shall cause such rating and inspection bureau,

either or both, or concern or aggregation of like character with which it is affiliated to do so) file with the department of insurance a full and complete statement of the actuarial and underwriting experience data and the like in its possession, from which and upon which said rates, schedules and systems so filed were ascertained, calculated and constructed, and within six months after the expiration of each succeeding six months, file a like statement of all actuarial and underwriting data and the like, pertaining to such rates, schedules and system, accumulated or acquired by it during the preceding six months. Upon failure to file said statement within the time specified above, said rates, schedules or systems may be presumed by the director of the department of insurance without more, to be excessive, unreasonable or inadequate to provide the necessary reserves, or discriminatory as the case may be. The said director may withdraw his approval of any premium rate or schedule made by any such insurance corporation, association, mutual corporation, or reciprocal exchange, if in his judgment, such premium rate or schedule is excessive or unreasonable or discriminatory or is inadequate to provide the necessary reserves. Nothing in articles 1 and 2 of this chapter contained or in any other law of this state shall affect the right of any insurance corporation or any mutual or reciprocal insurance corporation or association to issue participating policies or contracts and to pay savings, refunds or dividends upon such policies or contracts. No agreement by an employee to pay to an employer any portion of the cost of insuring his risk under articles 1 and 2 of this chapter shall be valid unless such agreement between the employer and employee the plan of which is part of a contract approved in writing by the director of the department of insurance of the State of Alabama. But the employer and the workman may agree to carry the risks covered by article 2 of this chapter in conjunction with other and greater risks and providing other and greater benefits such as additional compensation, accident, sickness or old age insurance or benefits, and the fact that such plan involves a contribution by the workman shall not prevent its validity if such plan has been approved in writing by the director of the department of insurance of Alabama. Any employer who shall make any charge or deduction prohibited by this section shall be guilty of a misdemeanor. If the employer shall insure to his employees the payment of the compensation provided by article 2 of this chapter and according to the full benefits thereof and with full coverage under articles 1 and 2 of this chapter in a corporation or association authorized to do business in the State of Alabama and approved by the director of the department of insurance of the State of Alabama, and if the employer shall post a notice or notices in a conspicuous place or in conspicuous places about his place of employment, stating that he is insured and by whom insured, and if the employer shall further file a

copy of such notice with the department of insurance, then, and in such case, any suits or actions brought by an injured employee or his dependents shall be brought directly against the insurer, and the employer, or insured, shall be released from any further liability. In case of insolvency or bankruptcy of said insurance company or in case it cannot be reached by due diligence by process in this state, the employer shall not be released from liability under the provisions of articles 1 and 2 of this chapter. Should any recovery be had in excess of the amount of the insurance carried, the employer shall be liable for such excess. The return of any execution upon any judgment of any employee against any such insurance company unsatisfied in whole or in part shall be conclusive evidence of the insolvency of such insurance company for the purposes of articles 1 and 2 of this chapter and in the event of adjudication of bankruptcy or insolvency of any such insurance company by any court of competent jurisdiction, proceedings may be brought by the employee against the employer in the first instance or against such employer and insurance company jointly or severally or in any pending proceeding against any insurance company, the employer may be joined at any time after such adjudication.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming law.

Approved September 7, 1955.

Time: 1:55 P.M.

Act No. 359

H. 578—Hawkins, Goodwyn, Oden, Selman, Shumate, Albea, Steagall, Thomas, Jenkins, Tyson, McClendon (Chambers), Payne, Franklin, Solomon, Brassell, Crook, Hare, Murphy, Simon, Hanby, Gist, Lackey, Edwards (Jefferson), Vacca, Nice, Harrison

AN ACT

To amend Section 289 of Title 26, Code of Alabama 1940, as amended, the same relating to the limitations on compensation under the workmen's compensation law.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 289, Title 26, Code of Alabama 1940, as amended, be, and the same is hereby amended to read as follows:

S 289. Limitations on compensation.—

In no case hereunder, except as otherwise provided herein, shall the compensation paid hereunder be more than twenty-eight dollars per week, nor less than five dollars per week, and in no case shall the total amount exceed \$11,200.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming law.

Approved September 7, 1955.

Time: 1:56 P.M.

Act No. 360

H. 579—Hawkins, Goodwyn, Oden, Selman, Shumate, Albea, Steagall, Thomas, Tyson, Jenkins, McCleendon (Chambers), Payne, Franklin, Solomon, Brassell, Crook, Hare, Murphy, Simon, Hanby, Gist, Lackey, Edwards (Jefferson), Vacca, Nice, Harrison

AN ACT

To amend Section 214 of Title 26, Code of Alabama 1940, as amended, the same relating to disqualification for unemployment compensation benefits.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 214 of Title 26, Code of Alabama 1940, as amended, be, and the same is hereby amended to read as follows:

"S 214. Disqualification for benefits.—An individual shall be disqualified for total or partial unemployment;

A. For any week in which his total or partial unemployment is directly due to a labor dispute still in active progress in the establishment in which he is or was last employed; for the purposes of this section only, the term 'labor dispute' includes any controversy concerning terms, tenure or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee. This definition shall not relate to a dispute between an individual worker and his employer;

B. If he has left his employment voluntarily without good cause connected with such work; but he shall not be disqualified if:

1. He was forced to leave work because he was sick or disabled, notified his employer of the fact as soon as it was

reasonably practicable so to do and returned to that employer and offered himself for work as soon as he was again able to work; provided, however, this exception shall not apply if the employer had an established leave-of-absence policy covering sickness or disability, and (a) the individual fails to comply with the same as soon as it is reasonably practicable so to do, or (b) upon the expiration of a leave-of-absence he shall fail to return to said employer and offer himself for work if he shall then be able to work, or, if he is not then able to work, he fails to so notify his employer of that fact and request an extension of his said leave-of-absence as soon as it is reasonably practicable so to do.

In case of doubt that an individual was sick or disabled, or as to the duration of any such sickness or disability, the director may, or if the employer requests it, the director shall require a doctor's certificate to establish the fact or facts that is or are in doubt.

An established leave-of-absence policy shall be any leave-of-absence policy covering sickness and disability communicated to the employee by the customary means used by the employer for communicating with his employees;

Provided, however, that nothing herein shall be construed or interpreted as authorizing the payment of benefits to any person during or for unemployment due to sickness or disability.

2. He left his employment and immediately took another job and thereafter was employed on said other job for not less than ten weeks. For the purpose of this subsection another job shall not include self-employment. When this exception is applied, wages paid for that period of employment immediately preceding the separation to which the exception is applied which have not been heretofore determined to be benefit wages, shall not be determined to be employer's or employee's benefit wages for the purpose of the experience rating provisions of Section 204 of this Title. Except this exception shall not apply if he quits his new employment voluntarily without good cause connected with his work;

C. 1. If he was discharged or removed from his work for a dishonest or criminal act committed in connection with his work or for sabotage or an act endangering the safety of others or for actual or threatened deliberate misconduct after written warning to the individual.

2. For the week in which he has been discharged for misconduct connected with his work (other than acts mentioned in subsection (1) of this subdivision) and for not less than three nor more than the six next following weeks as determined by

the director in each case according to the seriousness of the conduct.

3. For the week or weeks (not to exceed four weeks) in which or for which he has been suspended as a disciplinary measure connected with his work, or for misconduct connected with his work.

D. 1. When an individual is disqualified for benefits under subsection B or C (1) of this section, he shall not thereafter be entitled to any benefits under this chapter on account of wages paid to him for the period of employment by the employer by whom he was employed when the disqualifying event occurred, and, provided further, that for the purposes of the experience rating provisions of Section 204 of this Title no portion of such wages shall be determined to be employee's or employer's benefit wages for any benefit years or base period.

2. When an individual is disqualified for benefits under subsections C (2) and C (3) of this section the total amount of benefits to which he may otherwise be entitled as determined in accordance with Section 209 of this Title shall be reduced by an amount equal to the product of the number of weeks for which he shall be disqualified under subsections C (2) and C (3) of this section multiplied by his weekly benefit amount;

E. If he fails, without good cause, either to apply for or to accept available suitable work or to return to his customary self-employment when so directed by the director or when he is notified of suitable work or it is offered him through a state employment office or the United States Employment Service, or directly or by written notice or offer to any such employment office or employment service by an employer by whom the individual was formerly employed. Such disqualification shall be for a period of not less than six nor more than ten weeks from the date of said failure.

This disqualification shall not apply unless the individual has an established benefit year, or is seeking to establish one, at the time he fails without good cause, to do any of the acts set out in this subsection.

1. In determining whether or not any work is suitable for an individual, the director shall consider the degree of risk involved to his health, safety, and morals, his physical fitness, and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence; provided that no work or employment shall be deemed unsuitable because of its distance from the individual's residence, if such work or employment is in the same or substantially the same locality as was his last previous regular

place of employment and if the employee left such employment voluntarily without good cause connected with such employment.

2. Notwithstanding any other provisions of this chapter, no work shall be deemed suitable and benefits shall not be denied under this chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(a) If the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(b) If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

(c) If as a condition of being employed the individual would be required to join a company union, or to resign from or refrain from joining any bona fide labor organization;

F. For any week with respect to which he is receiving or has received remuneration in the form of wages in lieu of notice, or a dismissal or separation allowance;

G. For any week with respect to which or a part of which he has received or is seeking unemployment benefits under an unemployment compensation law of any other state or of the United States; provided, that if the appropriate agency of such other state or of the United States finally determines that he is not entitled to such unemployment benefits this disqualification shall not apply.

H. For any week with respect to which or a part of which he has received or is seeking a pension payment pursuant to an employment contract or agreement, provided that if it is finally determined he is not entitled to such pension payment this disqualification shall not apply; and provided further, that no claimant shall be disqualified from receiving benefits by virtue of the provisions of this subsection when his benefits are based entirely on wages earned from employment other than that from which he retired. If the retirement pay, the receipt of which is disqualifying under this subsection, is less than the weekly benefit which would otherwise be due under this chapter, he shall be entitled to receive, if otherwise eligible, weekly benefits reduced by the amount of such retirement pay;

I. For any week with respect to which or a part of which he has received or is seeking compensation for temporary disability under any workmen's compensation law; provided that if it is finally determined he is not entitled to such compensation, this disqualification shall not apply, and provided further that if such compensation is less than the benefits which would otherwise be due under this chapter, he shall be entitled to receive for

such week, if otherwise eligible, benefits reduced by the amount of such payment;

J. For any week that such individual is engaged or employed by the works progress administration, the national youth administration, or any federal or state unit, agency or instrumentality in charge of public works, assistance through public employment, or work relief;

K. For any week in which he is self-employed and each week thereafter until he shall establish that he is no longer self-employed.

Section 2. The provisions of this Act shall apply to claims filed after its effective date.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming law.

Approved September 7, 1955.

Time: 1:57 P.M.

Act No. 361

H. 355—Davis, Hawkins

AN ACT

To regulate further the registration of certain motor vehicles: prohibiting the registration of trucks, semi-trailer trucks, road tractors, or other like motor vehicles used for hire or for commercial purposes which are owned by non-residents, except as otherwise provided in Section 707 of Title 51, of the 1940 Code; requiring every person, firm, or corporation who applies for the registration of a truck, semi-trailer truck, or road tractor, or other like motor vehicle used for hire or commercial purposes to state under oath his name and address, and whether the vehicle is owned by a resident or by a non-resident; and making it a misdemeanor for any person to make a false statement in applying for the registration of a motor vehicle pursuant to this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. No truck, semi-trailer truck, or road tractor, or other like motor vehicle used for hire or for commercial purposes which is owned by a non-resident of this State shall be registered in this State except as may be otherwise provided in or authorized or required by Section 707 of Title 51 of the Code of Alabama (1940). Every person, firm, or corporation who applies for the registration of a truck, semi-trailer truck, road tractor, or other like motor vehicle used for hire or for commercial purposes shall be required by the judge of probate or commissioner of licenses to state in writing under oath his name and address, and whether the vehicle is owned by a resident or by a non-resident of this State. Any person who knowingly

makes a false statement in applying for the registration of a motor vehicle pursuant to this Act is guilty of a misdemeanor, and upon conviction shall be punished as prescribed by law.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 7, 1955.

Time: 2:01 P.M.

Act No. 362

H. 375—Fite, Adams

AN ACT

Authorizing any gas district now or hereafter organized in this state under the provisions of Act No. 762, adopted at the 1951 Regular Session of the Legislature of Alabama, to promulgate rules and regulations governing and relating to the installation, connection, maintenance and servicing of gas fixtures, pipes, appliances and equipment with respect to properties served by it and requiring that any person so installing, connecting, maintaining or servicing any such fixtures, pipes, appliances and equipment be licensed by it, specifying the manner of adoption of such rules and regulations, and providing that no such rules or regulations shall supersede any applicable rules or regulations established by any municipality in this state.

Be It Enacted by the Legislature of Alabama:

Section 1. Gas Districts Authorized to Promulgate Rules and Regulations. Any gas district now or hereafter organized in this state under the provisions of Act No. 762, adopted at the 1951 Regular Session of the Legislature of Alabama, is hereby authorized and empowered to promulgate rules and regulations governing and relating to the installation, connection, maintenance and servicing of gas fixtures, pipes, appliances and equipment with respect to properties served by it. Such rules and regulations may require that any person so installing, connecting, maintaining or servicing any such fixtures, pipes, appliances and equipment be licensed by the gas district promulgating such rules and regulations.

Section 2. Manner of Adopting Such Rules or Regulations. Any such rules or regulations promulgated by a gas district under the authority conferred by this act shall be incorporated in a resolution of its board of directors, which resolution shall be deemed a resolution of general or permanent nature and shall be published in the manner required of resolutions of a general or permanent nature by the provisions of Section 8 of the aforesaid Act No. 762; provided however, that where such rules or

regulations have been printed as a code in book or pamphlet form, they may be adopted by reference thereto without publication or posting, if prior to adoption thereof the board of directors of such gas district shall hold a public hearing thereon and shall give public notice of the time, place and purpose of such hearing. Such notice shall be sufficient if published once a week for two successive weeks in a newspaper published within the territory served by the gas district proposing to adopt such code or, if there be no newspaper published within the territory served by such gas district, in a newspaper of general circulation within such territory. The first of such publication shall be not less than ten (10) days before the date fixed for such public hearing.

Section 3. Municipal Gas Codes Not Superseded by Those Adopted Pursuant to This Act. No rules or regulations promulgated by a gas district pursuant to the authority conferred by this act shall supersede any valid rules, regulations or codes promulgated by a municipality situated in the territory served by such gas district with respect to the installation, connection, maintenance and servicing of gas fixtures, pipes, appliances and equipment within the corporate limits of such municipality or its police jurisdiction. In the event of any conflict between any rules or regulations promulgated by a gas district pursuant to this act and those adopted by a municipality situated in the territory served by such gas district, those adopted by such municipality shall apply and shall be controlling with respect to the installation, connection, maintenance and servicing of gas fixtures, pipes, appliances and equipment within the corporate limits of such municipality and its police jurisdiction.

Section 4. Severability. The provisions of this act are hereby declared to be severable. Should any section or provision hereof be held to be invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable the remaining provisions and sections hereof.

Section 5. Effective Date. This act shall become effective upon its approval by the Governor or upon its otherwise becoming law.

Approved September 7, 1955.

Time: 2:02 P. M.

Act No. 363

H. 550—Fite, Adams

AN ACT

To authorize each county in this state to sell and issue from time to time interest bearing warrants or certificates of indebtedness for the purpose of acquiring and providing county airports; providing that

such warrants and certificates shall evince general obligation indebtedness of the county; authorizing each county to pledge and use for payment of the principal of and interest on such warrants and certificates so much as may be necessary for such purpose of the proceeds of any county privilege, license or excise tax now or hereafter levied in whole or in part for the construction, maintenance, and operation of county airports; specifying the effect and priority of any such pledge; and authorizing the refunding of such warrants and certificates.

Be It Enacted by the Legislature of Alabama:

Section 1. Application and Purpose. This act shall apply to each county in the State of Alabama and have for its purpose the authorization of the sale and issuance of interest-bearing warrants and certificates of indebtedness for the purpose of acquiring and providing county airports.

Section 2. Authorization of Issuance of Warrants or Certificates. Each county shall have the power from time to time to sell and issue interest-bearing warrants of such county or interest-bearing certificates of indebtedness of such county for the purpose of paying the cost of acquiring and providing county airports, including lands, structures, runways and all other airport facilities whatsoever. Such warrants and certificates may be in such denomination or denominations, may have such maturity or maturities not exceeding 30 years from their date, may bear interest from their date at such rate or rates not exceeding 6% per annum, payable semi-annually, may be payable at such place or places within or without this state, may be sold at such time or times and in such manner, may be executed in such manner, and may contain such terms not in conflict with the provisions of this act, all as the governing body of such county may provide in the proceedings wherein the warrants or certificates are authorized to be issued. All such warrants and certificates shall evidence general obligation indebtedness of the county by which they are issued, and the full faith and credit of the county shall be irrevocably pledged for the payment of the principal thereof and interest thereon. The proceeds derived from the sale of any such warrants and certificates shall be used solely for the purpose for which they are authorized to be issued, including the payment of any expense incurred in connection with the issuance thereof.

Section 3. Pledge of Special Tax. The governing body of the county issuing any such warrants or certificates may, in its discretion, pledge and use, or cause to be used, for the payment of the principal of and interest on such warrants and certificates, so much as may be necessary for said payment of any privilege, license, or excise tax, now or hereafter levied in such county for the purpose of construction, maintenance and operation of a county airport, or, if only a portion of such tax is

levied for said purpose, so much as may be necessary for said payment of that portion of any such tax that may be now or hereafter levied for the said purpose. If more than one such pledge shall be made of the said tax then such pledges shall take precedence in the order in which they are made unless the proceedings making such pledge shall expressly provide that such pledge shall be on a parity with or subordinate to a subsequent pledge of the said tax. All warrants and certificates for which the pledge authorized in this section may be made shall constitute preferred claims against that portion of the said tax so pledged, and shall have preference over claims incurred by the county against said portion of the said tax for operation and maintenance of any such airport and claims for any other purpose whatsoever.

Section 4. Authorization of Refunding warrants and Certificates. Each such county may in like manner from time to time issue refunding warrants and certificates, either by sale or by exchange, for the purpose of refunding a like or greater principal amount of warrants and certificates then outstanding which were issued under the provisions of this act and the interest thereon and paying any premium necessary to be paid to retire the outstanding warrants and certificates refunded thereby. The provisions of this act applicable to the warrants and certificates so refunded shall likewise be applicable to such refunding warrants and certificates.

Section 5. Provisions Hereof Control. In so far as the provisions of this act may be inconsistent with the provisions of any other law, the provisions of this act shall control, it being hereby specifically declared that the provisions of Section 78 of Title 12 of the Code of Alabama of 1940 shall not be applicable to the warrants and certificates issued under the provisions of this act.

Section 6. Severability. If any clause or provision of this act shall be, or be declared to be, invalid, any such invalidity shall not affect any other clause or provision hereof that is not in itself invalid.

Approved September 7, 1955.

Time: 2:08 P. M.

Act No. 364

H. 424—Hawkins

AN ACT

To amend Section 1 of Act 515, approved, July 9, 1945 as amended, which relates to the Employees' Retirement System of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of Act 515 General Acts 1945, p. 734, as amended, be, and is hereby amended to read as follows:

S. 1. DEFINITIONS.—The following words and phrases as used in this act unless a different meaning is plainly required by the context shall have the following meanings: (1) "Retirement System" shall mean the Employees' Retirement System of Alabama as defined in Section 2 of this Act. (2) "Employee" shall mean any regular employee of the State of Alabama whose salary is paid on a monthly basis by state warrant by the State, except a member of the Legislature of the State, a person who is covered or eligible to be covered under the Teachers' Retirement System of Alabama or any other retirement system to which contributions are made by the State, an elective official of the State Government or a department head authorized to exercise sovereign power of the State and a temporary employee or person engaged under retainer or special agreement except that a member who becomes an elected official of the State Government not subject to Supernumerary retirement or a department head authorized to exercise sovereign power of the State through appointment by the Governor shall continue to be an "employee" within the meaning of this section." In all cases of doubt the Board of Control shall determine who is an employee within the meaning of this Act. (2½) The word "employee" shall mean any regular employee of the Alabama State Hospitals and Partlow State School for Mental Deficients, however paid. (3) "Employer" shall mean the State of Alabama, or any department, commission, institution, or any other agency of and within the State by which an employee is paid, including employers as provided in Section 12. (4) "Member" shall mean any employee included in the membership of the system as provided in Section 3 of this Act. (5) "Board of Control" shall mean the board provided for in Section 6 of this Act to administer the retirement system. (6) "Medical Board" shall mean the board of physicans provided for in Section 6 of this Act. (7) "Service" shall mean service as an employee paid for by an employer. (8) "Prior Service" shall mean service rendered prior to the date of establishment of the retirement system for which credit is allowable under Section 4 of this Act. (9) "Membership service" shall mean service as an employee rendered while a member of the retirement system and on account of which contributions are made. (10) "Creditable service" shall mean "prior service" plus "membership service" rendered since last becoming a member. (11) "Beneficiary" shall mean any person in receipt of a pension, an annuity, a retirement allowance, or other benefit as provided by this Act. (12) "Regular interest" shall mean interest compounded annually at such rate as shall be determined by the Board of Control in accordance with Section 7, Subsection (2), of this Act. (13) "Accumulated contributions" shall mean the sum of all the amounts deducted

from the compensation of a member credited to his individual account in the Annuity Savings Fund, together with regular interest thereon, as provided in Section 8 of this Act. (14) "Earnable compensation" shall mean the full rate of compensation, excluding that part of his salary above \$4200.00, that would be payable to an employee if he worked the full normal working time. In cases where compensation includes maintenance, the Board of Control shall fix the value of that part of the compensation not paid in money. (15) "Average final compensation" shall mean the average annual earnable compensation of an employee during his last ten years of service prior to retirement, or if he should have less than ten years of service, then his average earnable compensation for this total service. (16) "Annuity" shall mean payments for life derived from the "accumulated contributions" of a member. All annuities shall be payable in equal monthly installments. (17) "Pension" shall mean payments for life derived from money provided by the employer. All pensions shall be payable in equal monthly installments. (18) "Retirement allowance" shall mean the sum of the "annuity" and the "pension". (19) "Retirement" shall mean withdrawal from active service with a retirement allowance or optional benefit in lieu thereof granted under the provisions of this Act. (20) "Annuity reserve" shall mean the present value of all payments to be made on account of any annuity or benefit in lieu of any annuity computed upon the basis of such mortality tables as shall be adopted by the Board of Control and regular interest. (21) "Pension reserve" shall mean the present value of all payments to be made on account of any pension or benefit in lieu of any pension computed upon the basis of such mortality tables as shall be adopted by the Board of Control, and regular interest. (22) "Actuarial equivalent" shall mean a benefit of equal value when computed upon the basis of such mortality tables as shall be adopted by the Board of Control and regular interest. (23) The masculine pronoun, whenever used, shall include the feminine. (24) "State Policeman" shall mean an employee in the classified service under the Merit System Act approved by the Personnel Board to perform the duties of Highway Patrolman, or a Beverage Control Agent, or a Crime Investigation Officer.

Section 2.—Saving clause. If any section of this Act is declared to be unconstitutional, the remainder of the Act shall not thereby be invalidated. All laws, parts of laws, general, special or private, in conflict with the provisions of this Act shall be and the same are hereby repealed.

Section 3.—Effective date.—This Act shall take effect October 1, 1955.

Approved September 7, 1955.
Time:2:10 P.M.

Act No. 365

H.59—Fite

AN ACT

Relating to civil remedies and procedure: to provide further for venue in actions on policies or certificates of insurance.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person, firm, or corporation that issues policies or certificates of insurance of any kind shall be suable on any such policy or certificate in the county where the holder of the policy or certificate resides, and the summons may be executed by serving a copy of the summons and complaint upon any officer or agent of the insurer; provided, that a foreign insurance corporation shall be sued only in a county where it does business. For the purpose of this Act, any of the following acts effected by mail or otherwise shall constitute doing business within the county: (1) the making, issuance, or delivery of contracts of insurance to residents of the county; (2) the solicitation of applications for such contracts; (3) the collection of premiums, membership fees, assessments or other considerations for such contracts; (4) any other transaction of insurance business.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 7, 1955.

Time: 2:15 P.M.

Act No. 366

H. 164—Harrison

AN ACT

To provide for the appointment of volunteer forest fire wardens by the Director of the Department of Conservation; to set forth the duties of such wardens and to further provide for the issuance of equipment to them and the compensation to be received by such wardens.

Be It Enacted by the Legislature of Alabama:

Section 1. The Director of Conservation shall have the power to appoint any person in any area of the State who is skilled in forestry work or fire prevention as a forest fire warden, on a volunteer status, whose duties shall be to prevent and suppress forest fires in his respective locale. All persons so appointed shall receive a duly executed commission signed by the

Director of Conservation stating on the face thereof the appointee's name and title.

Section 2. Persons so appointed as forest fire wardens shall be empowered to enter any lands and to construct thereon fire lines, fire lanes or fire breaks, to set back fires thereon, if necessary, to prevent the further spread of fire then actually burning and to do other work necessary in the performance of their duties without liability for trespass or damages therefrom.

Section 3. At the discretion of the Director of Conservation, such forest fire wardens may be issued fire fighting equipment from such equipment as may be available for such purposes within the Department of Conservation, and any such equipment so issued may be used only for the suppression of forest fires.

Section 4. The Director of Conservation, with the approval of the State Merit Board, shall have the power to provide for the compensation to be received by such forest fire wardens if, in his judgment, he deems such compensation necessary. Provided, however, they shall receive compensation only for such hours as are spent on fire fighting and for any actual expenses incurred by them in the performance of such duties.

Section 5. All laws or parts of laws in conflict herewith are hereby expressly repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved September 7, 1955.

Time: 2:15 P. M.

Act No. 367

S. 230—Van Antwerp

AN ACT

To provide further for promoting, developing, constructing, maintaining, and operating harbors and ports within the State; to define and prescribe further the jurisdiction, powers, and authority of the state docks department.

Be It Enacted by the Legislature of Alabama:

Section 1. The State of Alabama may engage in, through the agency of the Alabama State Docks Department provided and designated by law, works of internal improvement, and of promoting, developing, constructing, maintaining, and operating all harbors, seaports or riverports within the State, or its jurisdiction, including the acquisition or construction, maintaining and

operating at seaports and riverports of harbor watercraft and terminal railroads, as well as all other kind of terminal facilities. Such work or improvement and facilities shall be under the management and control of the State through the governing agency provided and designated by law.

Section 2. The jurisdiction of the state docks department in any harbor or seaport within the State shall extend over the waters and shores of such harbor and shall extend to the outer edge of the outer bar at such harbor or seaport. The jurisdiction of the department shall also extend over the waters and shores of all rivers and streams within the State which are navigable for commercial traffic, or which may be made so navigable at any time in the future. The jurisdiction of the department shall not be exclusive, however, and nothing contained herein shall be taken as a deprivation of the authority of the department of conservation to control, hold, lease, manage, or own the minerals, sand, gravel or any other natural resource in the beds of navigable streams or other public waters as provided by law.

Section 3. The State, in engaging in the work of internal improvement, or promoting, developing, constructing, maintaining, and operating harbors, seaports and riverports within the State and its jurisdiction, acting through the department, shall have power to acquire, purchase, install, lease, construct, own, hold, maintain, equip, use, control, and operate, at seaports, or at any ports located on any river or stream which is navigable for commercial traffic, or which may be made so navigable at any time in the future, wharves, piers, docks, quays, grain elevators, cotton compresses, warehouses and other water and rail terminals and other structures, and facilities needful for the convenient use of the same in the aid of commerce, including the dredging of approaches thereto; but before said department shall exercise such authority, the director shall first submit plans, including estimates of cost, prepared by competent engineers or architects, to the Governor, who shall consult and confer with the department in reference thereto, and as to dredging, with the proper United States authorities. Provided, the department shall have no authority to condemn or acquire by exercise of the right of eminent domain any privately owned ports, terminals or docks or loading facilities located on any navigable river or stream, except at the Port of Mobile.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 7, 1955.

Time: 3:00 P. M.

Act No. 368

H. 894—Ferrell

AN ACT

To abolish the DeKalb County Board of Revenue, DeKalb County, Alabama, and to establish in lieu thereof in DeKalb County, Alabama, a County Commission to be known as DeKalb County Commission. To provide for the election of the members of said Commission, to fix their time of office, to define the powers and duties of such Commission and to fix the compensation of the members thereof.

Be It Enacted by the Legislature of Alabama:

SECTION 1. That the DeKalb County Board of Revenue as created by Local Act No. 255, Page 147, 1939, Local Acts of the Legislature of Alabama be and is hereby abolished.

SECTION 2. There is hereby created and established in and for the County of DeKalb in the state of Alabama, a County Commission to be composed of five members and all of whom shall be qualified electors of said County and of their respective districts.

SECTION 3. That for the purpose of this Act and the enforcement thereof, the said County of DeKalb is hereby divided into four subdivisions to be known as districts and numbered respectively from one to four both inclusive and the boundaries and numbers of each district shall be as formerly under the DeKalb County Board of Revenue of said County.

SECTION 4. S. H. Bruce is hereby designated, declared and appointed from District No. 1., and he shall be and become a member of the said County Commission from said district and his term of office shall begin October 1, 1955, and he shall hold office until the first Tuesday after the second Monday in January, 1959, and until his successor is elected and qualified. J. L. Tumlin is hereby designated, declared and appointed from District No. 2., and he shall be and become a member of the County Commission from the said district and his term of office shall begin October 1, 1955, and he shall hold office until the first Tuesday after the first Monday in January, 1959, and until his successor is elected and qualified. Houstin Tumlin is hereby designated, declared and appointed from District No. 3., and he shall be and become a member of the County Commission from said District and his term of office shall begin October 1, 1955,

and he shall hold office until the first Tuesday after the second Monday in January, 1959 and until his successor is elected and qualified. Abe Hendrix is hereby designated, declared and appointed from District No. 4, and he shall be and become a member of the County Commission from the said district and his term of office shall begin October 1, 1955, and he shall hold office until the first Tuesday after the second Monday in January, 1959, and until his successor is elected and qualified. A. J. Lindsey is hereby designated, declared and appointed President of said County Commission, and his term of office shall begin October 1, 1955, and he shall hold office until the first Tuesday after the second Monday in January, 1959, and until his successor is elected and qualified.

SECTION 5. There shall be elected on the first Tuesday after the first Monday in November, 1958, and every fourth year thereafter, by the qualified voters of the entire County, the President of the County Commission and from each of said districts there shall be elected by the qualified voters of the entire County as above provided, on the first Tuesday after the first Monday in November, 1958, and every fourth year thereafter, members of the County Commission running from their respective districts and shall be bona fide residents and qualified electors in the district for which they are seeking election, and upon their election, shall hold office for a period of four years until their successors are elected and qualified.

SECTION 6. The members of the County Commission shall be nominated by the voters who are authorized by law to participate in any primary election, caucus or convention held or called by any political party for nomination of such officers as may be authorized by law, and the members of the County Commission from the several districts shall be nominated by the qualified electors from their respective districts and the laws of this State relative to primary elections shall apply.

SECTION 7. The President of the County Commission shall be a resident of said County continuously during his term of office and each member of said Commission shall be a resident of the district for which he is elected and shall reside in said district continuously during his term of office.

SECTION 8. That the compensation of the President of the County Commission shall be Four Thousand Eight Hundred Dollars (\$4,800.00) per annum and the associate members' compensation shall be the sum of Three Thousand Six Hundred Dollars (\$3,600.00) each per annum and shall be payable in equal monthly installments out of the general fund of the County.

SECTION 9. The County Commission shall have the power and authority to direct and control the property of the County as it may deem expedient according to law; to levy general tax, and special tax for particular county purposes; to examine, settle and allow accounts and claims chargeable against the County. To examine and audit the accounts of all officers having the care, management, collecting or disbursements of monies belonging to the County, or appropriated for its use and benefit; to audit and allow all claims for charges and expenses for all county officers; to have exclusive control of all county roads and sole right and authority to bind the County in any contract for the payment of money, and the members of the County Commission shall devote their entire time to the duties of the Commission during the terms for which they were elected.

SECTION 10. The DeKalb County Commission shall have all the jurisdiction and powers which are or may hereafter be by law vested in Courts of County Commissioners or Boards of Revenue of this state and the members thereof shall perform all the duties and services and exercise all the powers which are or may be provided by law for members of Courts of County Commissioners or Boards of Revenue of this State.

SECTION 11. The President of the DeKalb County Commission shall be its presiding officer, and shall have the same power and authority as other members in passing upon all questions, and shall sign the minutes of the proceedings of the Commission, and shall sign all warrants drawn on the County Treasurer, and shall be the County Treasurer, and shall sign all orders for the payment or disbursement of money or funds of DeKalb County, and it shall be his duty to receive and prepare business and obtain information for the sessions of the said Commission and to see to the execution of all orders thereof, and to report to the Commission all infractions of the Revenue laws in DeKalb County of which he can obtain authentic information. He shall exercise all the powers and perform all the duties required of Probate Judges as to matters coming before the County Commission.

SECTION 12. The DeKalb County Commission shall have the power and authority to employ a chief clerk and as many assistant clerks as are necessary for the convenient and orderly transaction of the business of the Commission; fix and determine the amount of compensation to be paid such clerk and assistants as in the discretion of the Commission shall be reasonable compensation for services required for such chief clerk and assistants.

SECTION 13. A majority of the DeKalb County Commission shall constitute a quorum for the transaction of business

and no funds belonging to the County shall be drawn or paid out except as authorized by the Commission and a proper list and registry of all sums drawn or paid out, and of the nature of the claim and of the person in whose favor drawn or paid out shall be kept by either the president or clerk of said board and shall be open to the public.

SECTION 14. The DeKalb County Commission shall do and perform all acts and services and shall exercise all the powers and functions which are now or hereafter by law required or authorized of Commissioners Courts of Boards of Revenue and shall be subject to the same privileges and penalties.

SECTION 15. The DeKalb County Commission may employ a competent Engineer and as many assistants as it may deem advisable or expedient for the efficient management of the roads and highways of DeKalb County, and may fix the compensation of such employees and prescribed their duties and may discharge any employee without giving any reason therefor.

SECTION 16. The DeKalb County Commission shall hold regular meetings on each Monday in every week and may hold special meetings at any time on the call of the president of the Commission or of three members of the Commission entered in writing on the minutes of the Commission.

SECTION 17. Should any vacancy occur in the DeKalb County Commission, such vacancy shall be filled by appointment of the Governor of the State of Alabama for unexpired term.

SECTION 18. Should any section or part of this Act be declared unconstitutional the other parts of the Act shall, nevertheless remain in full force and effect.

SECTION 19. This act shall become law upon its passage and approval by the Governor or its otherwise enacted into law and shall become effective October 1, 1955.

SECTION 20. That all laws and parts of laws, general or special in conflict with the provisions of this Act be and the same are hereby repealed.

Approved September 7, 1955.

Time: 2:20 P. M.

Act No. 369

H. 952—Murphy, Simon, Tyson

AN ACT

Relating to Mobile County; levying a privilege license tax upon every person, firm, or corporation selling, delivering, or withdrawing

from storage or keeping in storage for sale or delivery in Mobile County, any gasoline, naphtha, and other liquid motor fuels, or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil," "fuel oil," or "crude oil" commonly used for lighting, heating, or industrial purposes; providing that the amount of any municipal excise tax levied on such motor fuels and paid to any municipality in Mobile County shall be a credit toward the payment of the tax levied by this Act; providing for the enforcement and collection of the tax; providing for the distribution of the proceeds thereof among the county and the incorporated cities and towns in the county; and prescribing penalties for violation of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby levied a county privilege or license tax upon every person, firm or corporation selling, delivering, or withdrawing from storage or keeping in storage for sale or delivery in Mobile County, any gasoline, naphtha, diesel fuel, or other liquid motor fuels, or any device or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil," "fuel oil," or "crude oil" commonly used for lighting, heating, or industrial purposes, in an amount equal to two cents (\$.02) per gallon sold, delivered, withdrawn from storage, or kept in storage for sale or delivery. Provided, however, that the tax provided for by this Act shall not be levied or paid on the sales of such motor fuels in interstate commerce, or to the federal government or any agency of the federal government, or to the State of Alabama, or to any incorporated municipality for municipal purposes, or to such motor fuels which are withdrawn from storage within Mobile County for delivery only to a point or points outside Mobile County, when the distributor or seller of such motor fuels prepares and files with the tax collector of Mobile County written statements sworn and subscribed to showing the name and address of the person and to whom such motor fuels are or have been delivered by the distributor or seller, the volume and kind of such motor fuels and the dates of such withdrawals, and the point or points outside the county to which the motor fuels are delivered, or are to be delivered. Where the excise tax levied herein upon the sale, use, distribution, storage, or withdrawal from storage in Mobile County of such motor fuels shall have been paid to the tax collector of Mobile County by any person, firm, or corporation, such payment shall be sufficient, the intent being that the tax shall be paid but once.

Section 2. Every person, firm or corporation upon whom the taxes levied by this Act are imposed shall, on or before the fifteenth day of each month, file with the tax collector of Mobile County, on forms to be prescribed by the County governing body, a written statement, sworn and subscribed to, which shall show: 1) the name and address of the taxpayer; 2) the amount of all sales and withdrawals of motor fuels liable for payment of the

tax levied herein made during the next preceding month; 3) the amount of the sales or withdrawals of such motor fuels which are not subject to the tax, or are not to be used as a measurement of the taxes due by such taxpayer, and the nature thereof; and 4) such other information as the county governing body may demand. At the time of making such monthly statement or report, each taxpayer shall compute the amount of taxes due, and shall pay to the tax collector of Mobile County the amount of the taxes shown to be due; provided, however, that the amount of any municipal excise tax levied on such motor fuels and paid to any municipality in Mobile County shall be allowed as a credit toward and shall be deducted from the amount of the tax due the county under the provisions of this Act, when the distributor or seller of such motor fuels prepares and files with the tax collector of Mobile County written statements sworn and subscribed to showing the volume and kind of such motor fuels on which a municipal excise tax has been paid, the amount of such tax paid each municipality, and the name of the municipality to which paid.

Section 3. It shall be the duty of every person, firm, or corporation upon whom a privilege or license tax is imposed by this Act to keep and preserve suitable books, accounts, papers, documents, and such other records as will clearly show the amount of sales or withdrawals of motor fuels made in Mobile County and subject to the tax levied herein. Such records shall be open, during reasonable hours at the place of business of of such person, firm, or corporation, for inspection and examination by the tax collector, or his agent, or by such other person as may be designated under any rules or regulation adopted and promulgated by the governing body of Mobile County.

Section 4. The governing body of Mobile County shall promulgate and adopt rules and regulations necessary for the enforcement and collection of the tax levied herein.

Section 5. The proceeds of the tax levied herein shall be paid by the tax collector as follows: 1) One-half of such proceeds shall be paid into the road and bridge fund of Mobile County; and 2) one-half of such proceeds shall be pro rated among the incorporated cities and towns within Mobile County on the basis of the population of such cities or towns.

Section 6. Any person, firm, or corporation who violates any provision of this Act shall be guilty of a misdemeanor and upon conviction shall be punished as prescribed by law. Each day a violation continues shall constitute a separate offense.

Section 7. Any person, firm, or corporation who fails to pay the tax herein levied within the time required by this Act shall

pay, in addition to the tax, a penalty of 10 per cent of the amount of tax due, together with interest thereon at the rate of one-half of one per cent per month, or fraction thereof, from the date at which the tax herein levied became due and payable, such penalty and interest to be assessed and collected as a part of the tax.

Section 8. If any provision of this Act or the application thereof to any person, firm, or circumstance, is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of the Act and the application thereof to any person, firm, or circumstance shall not be affected by such declaration.

Section 9. This Act shall become effective on the first day of the first month next following the date of its passage and approval.

Approved September 7, 1955.
Time: 3:06 P. M.

Act No. 370

S. 46—By: Messrs. Lambert, Flowers, Skidmore, Engelhardt, Davis (Pickens), Boutwell, Leonard, Roberts, Newton and Van Antwerp.

AN ACT

To amend Section 152 of Title 41, Code of Alabama 1940, as amended, by an Act entitled "An Act to amend Section 152 of Title 41 of the Code of Alabama 1940, which relates to salaries of officers and employees of the State of Alabama," approved July 10, 1951.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 152 of Title 41, Code of Alabama 1940, as amended by an Act entitled "An Act to amend Section 152 of Title 41 of the Code of Alabama 1940, which relates to salaries of officers and employees of the State of Alabama," approved July 10, 1951, be, and the same hereby is, further amended so as to read as follows:

"S 152. Amounts of salaries. — When not fixed by law or provided for in the pay plan of the Merit System, the Governor is authorized to fix or approve salaries or compensation of officers and employees of the State of Alabama, but no salary or compensation, including those provided for in the pay plan of the Merit System, shall be fixed or approved in excess of seven thousand two hundred dollars per annum, unless a different maximum is fixed by law; provided, however, that the State Personnel Board may provide in the pay plan for officers and

employees in the classified service of the State, as defined in the Merit System Law, a maximum salary or compensation not to exceed \$9,000 per annum, any law now applying to the salary or compensation of specific officers or employees to the contrary notwithstanding."

Section 2. That all laws and parts of laws in conflict with the provisions hereof be, and the same hereby are, expressly repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved Septemebr 8, 1955.

Time: 8:15 A. M.

Act No. 371

H. 816—Hawkins, Dawkins

AN ACT

To amend Act No. 4, H. 6, approved January 25, 1951, which relates to the salaries and compensation of certain state officers (Acts of 1950-51, Vol. 1, p. 167).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 4, H. 6, approved January 25, 1951, entitled "An Act relating to the salaries and compensation payable to certain non-elective state officers" (Acts of 1950-51, Vol. 1, p. 167), is amended to read as follows:

"The salary of each of the several state officers named in this section shall be fixed by the Governor, not to exceed the amount herein set forth:

"For the Director, Highway Department, \$10,000 per annum;

"For the Director, Department of Conservation, \$10,000 per annum;

"For the Director, Department of Finance, \$10,000 per annum;

"For the Commissioner of Revenue, \$10,000 per annum;

"For the Governor's Legal Adviser, \$10,000 per annum;

"For the Governor's Secretary, \$10,000 per annum;

"For the Governor's Press Secretary, \$10,000 per annum;

"For the Adjutant General, \$9,000 per annum;

"For the Director, Department of Labor, \$9,000 per annum;

"For the Director, Department of Civil Defense, \$9,000 per annum;

"For the Assistant Administrator of the Alabama Alcoholic Beverage Control Board, \$9,000 per annum;

"For the Director, Department of Publicity & Information, \$9,000 per annum;

"For the Director, Department of Insurance, \$9,000 per annum;

"The salary of one Executive assistant for each of the following departments shall be fixed by the chief executive officer of the department, with the approval of the Governor, at an amount not to exceed nine thousand dollars per annum: 1) Department of Finance, 2) Department of Conservation, 3) Highway Department, 4) Revenue Department, 5) Department of Public Safety, 6) Department of Industrial Relations, 7) Department of Education and 8) For the Administrative Assistant to the Director of the Department of Labor and the Deputy Adjutant General not to exceed \$8,000 to be fixed by the head of the Department with the approval of the Governor.

Section 2. Section 2 of said Act No. 4, H. 6, is amended to read as follows:

"The salary of each of the state officials named in this section shall be the amount as herein set forth, and no more:

"For each member of the Board of Pardons and Paroles, \$7,500 per annum;

"For the Director, Personnel Department, \$9,000 per annum;

"For the State Service Commissioner (Director, Department of Veterans' Affairs), \$9,000 per annum;

"For the Director, Legislative Reference Service, \$10,000 per annum;

"For the Assistant Chief Examiner of Public Accounts, \$9,000 per annum.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 8, 1955.

Time: 8:16 A. M.

bridge, Ward, Simon, Ramey,
Dement, Branyon, Martin.

AN ACT

To amend further Section 390 of Title 14, Code of Alabama (1940), which relates to the compensation of the State Toxicologist.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 390 of Title 14, Code of Alabama (1940), as amended, is amended further to read as follows:

"The salary of the state toxicologist shall be ten thousand dollars (\$10,000.00) per annum, payable out of the funds provided therefor in the general appropriation bill or out of any funds in the state treasury not otherwise appropriated, and as the salaries of other state officers are paid. The state toxicologist shall be furnished with an office and laboratory at the expense of the state, and shall also be allowed all necessary expenses for the equipment and conduct of his office and laboratory, including stenographic and laboratory assistance, and such expenses as may be incurred from traveling within or without the state for the purpose of carrying out the provisions of this chapter. Such expenses are to be paid by warrants approved by the governor, and shall be limited in amount to the sum provided therefor in the general appropriation bill. All funds expended under the provisions of this article shall be budgeted and allotted in accordance with the provisions of Title 55, Chapter 4, Article 3 of the Code of Alabama of 1940."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 8, 1955.

Time: 8:20 A. M.

Act No. 373

H.166—Callahan, Ramey, deGraffenried

AN ACT

To create and establish a State Fire College, to provide for an Advisory Committee, an annual training session, and appropriations for carrying out the provisions of the Act.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created and established a State Fire College, the administration of which shall be under the State Superintendent of Insurance.

Section 2. There shall be an Advisory Committee composed of nine practical firemen appointed by the State Superintendent of Insurance upon recommendation of the Alabama State Firemen's Association. A majority of the members of this committee shall be paid, part-paid or volunteer firemen from cities of 25,000 population or less. Committee members shall serve for terms of: two for five years, two for four years, two for three years, two for two years and one for one year. No member shall serve for more than five years without reappointment. It shall be the duty of the advisory Committee to assist in finding and recommending competent instructor personnel and to review and recommend course content or changes in course content in line with changing conditions in the field of fire fighting. It shall also be the duty of the Advisory Committee to assist in promoting the State Fire College, to help maintain a public relations program and to recommend policy and procedure for the best interests of the State Fire College.

Section 3. The State Fire College shall hold annual sessions at the University of Alabama at such time and for such a period as may be determined by the Advisory Committee and the State Superintendent of Insurance. At such sessions instruction shall be provided for representatives of paid, part-paid and volunteer fire departments of the State of Alabama. The manner of selecting the representatives and the number selected for each session shall be determined by the Advisory Committee and the State Superintendent of Insurance. The course of instruction shall consist of training in modern methods of fire fighting, fire prevention, rendering first aid in case of drowning and asphyxiation, and modern methods for the preservation of life and property.

Section 4. There is hereby appropriated, out of any funds in the State Treasury, not otherwise appropriated, the sum of forty thousand dollars (\$40,000.00) to be used to purchase necessary training equipment, materials and supplies, as approved by the Advisory Committee and the State Superintendent of Insurance, such purchases to be made by the Purchasing Agent of the State of Alabama.

Section 5. The fire equipment authorized to be purchased by this Act and equipment previously purchased by State Educational funds shall be housed and maintained by the Tuscaloosa Fire Department at the University Fire Training Station and shall be used for training firemen from over the State on a year-round basis. Other use of this equipment for normal and customary fire service shall be under the direction and at the discretion of the Chief of the Tuscaloosa Fire Department. The title and control of new equipment purchased under this Act and equipment previously purchased from State Educational funds

for fire training at the University of Alabama shall be vested in the State Department of Insurance.

Section 6. The provisions of this Act are severable. If any part of it is declared unconstitutional or invalid, such declaration shall not effect the part which remains.

Section 7. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 8, 1955.

Time: 8:22 A.M.

Act No. 374

H. 443—Johnson (Tallapoosa), Adams,
Ward, Brown (Lee)

AN ACT

To amend Section 587 of Title 37, Code of Alabama (1940), which relates to appeals from recorder's court.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 587 of Title 37, Code of Alabama (1940) is amended to read as follows:

"In any case involving the validity of an ordinance of the city, tried before the recorder, the council may take an appeal, without bond, to the circuit court or court of like jurisdiction; and in any case the defendant may take an appeal to such court by giving bond with good and sufficient sureties, payable to the city, to be approved by the recorder or officer trying the case, or should such recorder or officer trying the case be prevented, by absence from the city, death or other disability, from approving such bond, such bond may be approved by the city clerk, conditioned to be void if the defendant appears before said court, until discharged by law to answer said charge, but unless such bond be given within five days from the date of the judgment, no appeal shall be allowed from such judgment. An appeal bond for more than three hundred dollars shall in no case be required, but when sitting as a committing magistrate, any reasonable bond may be required. The case appealed shall be tried de novo in such court, and the judge or jury trying such cause is authorized to impose upon the person convicted such punishment by fine, or imprisonment in the city jail, or other place of confinement, or hard labor for the city, or by fine and imprisonment, as the court or jury may deem proper and is authorized by law or ordinance for such offenses. When an appeal is taken, as provided for herein, said appeal shall be filed by the city in the court to which said appeal is returnable within sixty days; and if the city shall fail to file said appeal within said time, the city

shall be deemed to have abandoned the prosecution of said cause, and the defendant shall not be required to further answer or appear, and the bond shall thereafter be void. When the city is situated within two or more counties, the appeal shall lie to the circuit court of the county where the transaction involved in the case took place."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 8, 1955.

Time: 8:23 A.M.

Act No. 375

H. 1006—deGraffenried, Hare, Ashworth, Callahan, Fite, Haltom, Nice, Simon

AN ACT

To provide for the taking of depositions of witnesses or parties upon oral examination for discovery of for use as evidence; to prescribe the scope of the examination, use of such depositions, effect of using such depositions; to provide a method of compelling the attendance of the person sought to be examined; and to prescribe penalties for the failure of such person to appear for such examination.

Be It Enacted by the Legislature of Alabama:

Section 1. **WHEN DEPOSITIONS MAY BE TAKEN.** Any party may take the testimony of any person, including a party, by deposition upon the oral examination for the purpose of discovery, or for use as evidence in the action or for both purposes. After commencement of the action the deposition may be taken without leave of Court, except that leave, granted with or without notice, must be obtained if notice of the taking is served by the plaintiff within 30 days after the commencement of the action. The attendance of witnesses may be compelled by the use of subpoena as provided for in civil actions. The deposition of a person confined in prison may be taken only by leave of Court on such terms as the Court prescribes.

Section 2. **SCOPE OF EXAMINATION.** Unless otherwise ordered by the Court as hereinafter provided, the deponent may be examined regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the examining party, or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things, and the identity and location of persons having knowledge of relevant facts. It is not ground of objection that the testimony will be inadmissible at the trial

if the testimony sought appears reasonably calculated to lead to the discovery of admissible evidence.

Section 3. EXAMINATION AND CROSS-EXAMINATION. Examination and cross-examinations of deponents may proceed as permitted in civil actions at law.

Section 4. USE OF DEPOSITIONS. At the trial or upon the hearing of a motion or an interlocutory proceeding, any part or all of a deposition, so far as admissible under the rules of evidence, may be used against any party who was present or represented at the taking of the deposition, or who had due notice thereof, in accordance with any one of the following provisions;

(a) Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony of deponent as a witness.

(b) The deposition of a party or of any one who at the time of taking the deposition was an officer, director, or managing agent of a public or private corporation, partnership, or association, which is a party may be used by the adverse party for any purpose.

(c) The deposition of a witness, whether or not a party, may be used by any party for any purpose if the Court finds: (1) That the witness is dead; (2) That the witness is a woman; (3) That the witness from age, infirmity, or sickness, is unable to attend court; (4) When the witness resides more than 100 miles from the place of trial, computed by the route usually traveled, or resides out of, or is absent from the State; (5) When the witness is about to leave the State, and will probably not return until after the trial; (6) When the claim or defense, or a material part thereof, depends exclusively on the evidence of the witness; (7) when the witness is the Governor, Secretary of State, State Treasurer, State Auditor, Attorney-General, Superintendent of Education, Commissioner of Agriculture and Industries, Examiner of Public Accounts, or the head of any other department or Bureau of the State Government, Judge or Clerk of any Court of Record, Register in Chancery, or Sheriff; or President, Director, or other officer of a bank, incorporated in the state; Postmaster or other officer of the United States; or practicing physician or lawyer; or a person constantly employed by any steam boat or other water craft, or on any turnpike, or manufacturer, or about the engine or other machinery of a railroad, or is a superintendent, secretary, treasurer, master of road repairs, or conductor of any railroad, or is a telegraph operator; or a teacher of a public or private school actually engaged in teaching, or a minister of the Gospel, or pastor of a religious society in charge of any diocese, parish, church, district, or circuit; or of any person who earns

his livelihood by traveling beyond the confines of the county in which the action is pending, or (8) where the party is unable to attend or testify because of imprisonment; or (9) upon application and notice, that exceptional circumstances exists as to make it desirable in the interest of justice and with due regard to the importance of presenting the testimony or witnesses orally in open court, to allow the deposition to be used; or (10) that the party offering the deposition has been unable to procure the attendance of the witness by subpoena.

(d) If only a part of a deposition is offered in evidence by a party, the adverse party may require him to introduce all of it which is relevant to the part introduced, and any party may introduce any other parts.

Section 5. OBJECTIONS TO ADMISSIBILITY. Except as hereinafter provided objection may be made at the trial or hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying.

Section 6. EFFECT OF TAKING OR USING DEPOSITIONS. A party shall not be deemed to make a person his own witness for any purpose by taking his deposition. The introduction in evidence of the deposition or any part thereof for any purpose other than that of contradicting or impeaching the deponent, makes the deponent the witness of the party introducing the deposition, but this shall not apply to the use by an adverse party of the deposition as described in subsection (b) of Section 4 of this Act. At the trial or hearing, any party may rebut relevant evidence contained in a deposition whether introduced by him or by any other party.

Section 7. NOTICE OF EXAMINATION; TIME AND PLACE. A party desiring to take the deposition of any person upon oral examination shall give reasonable notice in writing to every other party to the action. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined, if known, and, if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. On motion of any party upon whom the notice is served, the court may for cause shown enlarge or shorten the time.

Section 8. STIPULATIONS REGARDING THE TAKING OF DEPOSITIONS. If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used like other depositions.

Section 9. ORDERS FOR THE PROTECTION OF PARTIES AND DEPONENTS. After notice is served for taking a

deposition by oral examination, upon motion reasonably made by any party, or by the person to be examined and upon notice and for good cause shown, the court in which the action is pending may make an order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or counsel, or that after being sealed the deposition shall be opened only by order of the court, or that secret processes, developments, or research need not be disclosed, or that the parties shall simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the court; or the court may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression.

Section 10. MOTION TO TERMINATE OR TO LIMIT EXAMINATION. At any time during the taking of the deposition, on motion of any party or of the deponent, and upon a showing that the examination is being conducted in bad faith, or in such a manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the court in which the action is pending, or the circuit court where the deposition is being taken, may order the officer conducting the examination to cease forthwith from taking the deposition, or may limit the scope and manner of the taking of the deposition as provided in Subdivision (h). If the order made terminates the examination, it shall be resumed thereafter only upon the order of the Court in which the action is pending. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order. In granting or refusing such order the court may impose upon either party or upon the witness the requirement to pay such costs or expenses as the court may deem reasonable.

Section 11. RECORD OF EXAMINATION; OBJECTIONS. The officer before whom the deposition is to be taken shall put the witness on oath, and shall personally, or by someone acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically and transcribed unless the parties agree otherwise. All objections made at the time of the examination as to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objections to the proceedings, shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to the objections. In

lieu of participating in the oral examination, the parties served with notice of taking the deposition may transmit written interrogatories to the officer, who shall propound them to the witness and record the answers verbatim.

Section 12. PERSONS BEFORE WHOM DEPOSITIONS MAY BE TAKEN. The depositions provided for herein shall be taken before an officer authorized to administer oaths by the laws of the United States, or of the State of Alabama, or of the place where the examination is held, or before a person appointed by the court in which the action is pending. No deposition shall be taken before a person who is a relative or employee, or attorney or counsel of any of the parties, or is a relative or employee of such attorney or counsel, or is financially interested in the action.

Section 13. SUBMISSION TO WITNESS; CHANGES; SIGNING. When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by parties. Any changes in form or substance which the witness desires to make, shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing, or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness, or the fact of the refusal to sign, together with a reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress under subdivision (d) of subsection (c) of Section 16 of this Act the Court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

Section 14. CERTIFICATION AND FILING BY OFFICER; COPIES; NOTICE OF FILING. (a) The officer shall certify on the deposition that the witness was either sworn by him and that the deposition is a true record of the testimony given by the witness. He shall then securely seal the deposition in an envelope, endorsed with a title of the action and marked "Deposition of (here insert name of the witness)" and shall properly file it with the court in which the action is pending or send it by Registered Mail to the Clerk thereof for filing.

(b) Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent.

(c) The party taking the deposition shall give prompt notice of its filing to all of the parties.

Section 15. FAILURE TO ATTEND OR TO SERVE SUBPOENA; EXPENSES. If the party giving the notice of the taking of a deposition fails to attend and proceed therewith and another party attends in person or by attorney pursuant to the notice, the court may order the party giving the notice to pay to such other parties the amount of the reasonable expenses incurred by him and his attorney so attending, including a reasonable attorneys fee. If the party giving the notice of the taking of a deposition of the witness fails to file an order for the witness to be subpoenaed by the clerk of the court in which action is pending within seven days prior to the date set for the taking of the deposition, and the witness fails to attend due to the failure of the party giving the notice to have him subpoenaed, the court may order the party giving the notice to pay to such other party the amount of the reasonable expenses incurred by him and his attorney in so attending, including reasonable attorneys fees.

Section 16. EFFECT OR ERRORS AND IRREGULARITIES IN DEPOSITIONS. (a) **As To Notice.** All errors and irregularities in the notice for taking a deposition are waived unless written objection is promptly served upon the party giving the notice.

(b) **As to Disqualification of Officer.** Objection to taking a deposition because of disqualification of the officer before whom it is to be taken is waived unless before the taking of the deposition begins or as soon thereafter as the disqualification becomes known or could be discovered with reasonable diligence.

(c) **As to Takng of Deposition.**

(1) Objections to the competency of a witness or to the competency, relevancy, or materiality of testimony are not waived by failure to make them before or during the taking of the deposition, unless the ground of the objection is one which might have been obviated or removed if presented at that time.

(2) Errors and irregularities occurring at the oral examination in the manner of taking the deposition, in the form of the questions or answers, in the oath or affirmation, or in the conduct of parties and errors of any kind which might be obviated, removed, or cured if promptly presented, are waived unless reasonable objection thereto is made at the taking of the deposition.

(d) **As to Completion and Return of Deposition.** Errors and irregularities in the manner in which the testimony is transcribed or the deposition is prepared, signed, certified, sealed, indorsed, transmitted, filed, or otherwise dealt with by the officer under Section 14 of this Act are waived unless a motion to suppress the deposition or some part thereof is made with reasonable

promptness after such defect is, or with due diligence might have been ascertained.

Section 17. REFUSAL TO ANSWER. If a party or other deponent refuses to answer any question propounded upon oral examination, the examination shall be completed on other matters or adjourned, as the proponent of the question may prefer. Thereafter, on reasonable notice to all persons affected thereby, he may apply to the Circuit Court in the circuit where the action in which said deposition is taken in support of is pending for an order compelling an answer. If the motion is granted, and if the Court finds that the refusal was without substantial justification the Court shall require the refusing party or deponent and the party or attorney advising the refusal, or either of them to pay to the examining party the amount of the reasonable expenses incurred in obtaining the order, including reasonable attorneys fees. If the motion is denied, and if the Court finds that the motion was made without substantial justification, the Court shall require the examining party or the attorney advising the motion, or both of them, to pay to the refusing party or witness the amount of the reasonable expenses incurred in opposing the motion, including reasonable attorneys fees. If a party or other witness refuses to be sworn, or refuses to answer any question after being ordered to do so by the Court, the refusal may be considered a contempt of that court. In addition to the power to punish for contempt upon the failure of a party or deponent to obey the order of the court to answer any question, the Court may if a party refuses to answer any question after being ordered to do so by the Court, dismiss the action if the party be a party plaintiff, and if the party be a party defendant, the Court may cause a judgment by default to be entered against such party.

Section 18. The provisions of this Act are in addition to any other provisions relating to the taking of depositions or discovery depositions of witnesses or parties and the provisions of this Act are cumulative.

Section 19. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved September 8, 1955.

Time: 8:25 A.M.

Act No. 376

H. 787—Simon, Murphy, Tyson

AN ACT

Authorizing state banks situated in counties having a population of not less than 225,000 nor more than 400,000 inhabitants according to the

last or subsequent federal decennial census, to establish, maintain and operate branch banks, branch offices, or other places of business within such county in which the principal place of business of the bank is situated, by and with the approval of the superintendent of banks.

Be It Enacted by the Legislature of Alabama:

Section 1. Any state bank, whether incorporated or unincorporated, situated in any county in the State of Alabama having a population of not less than 225,000 nor more than 400,000 inhabitants, according to the last or any subsequent federal decennial census, shall have the power to establish, maintain and operate within such county wherein the principal place of business of such bank is situated, one or more branches, or branch banks, branch offices, branch agencies, additional offices or branch place of business for the receipt of deposits, payment of checks, lending of money and the conduct of a general banking and trust business, provided that such bank, before the establishment of any branch or branches, shall first secure the written consent thereto of the state superintendent of banks.

Section 2. All laws and parts of laws in conflict with this act are hereby repealed.

Section 3. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 8, 1955.

Time: 10:00 A.M.

Act No. 377

H. 869—Murphy, Simon, Tyson

AN ACT

Relating to places of voting in state and county elections in all counties of the State having a population of not less than 200,000 nor more than 400,000 according to the last or any subsequent Federal decennial census: Providing for the designation of only one voting place in any ward, district or precinct in any such counties, and authorizing and providing for the assignment of booths or voting machines at such voting places to alphabetical groups of not more than six hundred qualified voters, and directing that qualified voters may vote at the designated voting place and the booth or voting machine assigned to the alphabetical group in which his name belongs in the ward, district or precinct of which he is a qualified voter.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall govern places of voting in all state and county elections, general, primary and special in all counties having a population of not less than 200,000 nor more than 400,000 according to the last or any subsequent Federal decennial census.

Section 2. The county governing body must establish and designate in all state and county elections, general, primary, and special, one voting place in each ward in all incorporated cities or towns within said county, and one voting place in each election precinct in such county outside the boundaries of said incorporated cities or towns, but no change or designation shall be made within thirty days of any election held in said county.

Section 3. The probate judge of the county shall separate the list of qualified voters in said wards or districts that lie within the limits of each incorporated city or town and the lists of qualified voters in each precinct in such county outside the boundaries of such incorporated cities or towns as shown by the list of qualified voters on file in the office of the judge of probate in said county into groups of not more than six hundred qualified registered voters in alphabetical order.

Section 4. Each group of six hundred registered voters in a city ward or in a county precinct shall be provided with a separate voting booth and voting machine in said designated voting place and said booth shall be properly marked and designated by the erection of a sign indicating the alphabetical group that is entitled to vote in such booth. The intention hereof being to clearly indicate to the registered voters of each ward or district of an incorporated city or town and each precinct outside the boundaries of a city or town the booth or machine at which they are entitled to cast their votes. A sufficient number of booths and voting machines for each voting place designated, as authorized in this Act, shall be provided to accommodate each group of six hundred registered voters. The legally constituted boards or committees, by whatever name called, authorized and directed by law to appoint election officials for general, primary and special elections shall appoint the necessary number of election officers for each group of six hundred voters, as provided in this Act, in the manner now prescribed by law for the appointment of such election officials for wards, districts or precincts.

Section 5. In all state and county elections, general, primary and special, the county governing body shall designate the place where qualified voters at any such election shall cast their ballots.

Section 6. Any qualified registered voter may cast his vote at the voting place designated for city wards or district or county precincts in which he is a qualified voter, and on the machine assigned for votes of the alphabetical list of voters in which his name is listed, and no other.

Section 7. The probate judge shall furnish election managers in all wards, districts or precincts a list of qualified voters

in alphabetical groups of six hundred as herein provided for all state and county elections, primary, general or special, and said judge of probate shall be paid as now provided by law for furnishing lists of qualified voters.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws, general, local or special, in conflict herewith are hereby repealed.

Section 10. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 8, 1955.

Time: 10:02 A.M.

Act No. 378

H. 901—Murphy, Simon, Tyson

AN ACT

To amend Section 2 of Act No. 637, H. B. 644, approved September 4, 1951, entitled "An Act to provide for and fix the compensation and duties of the Chief Clerk in the office of the Tax Assessor of Mobile County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 2 of Act No. 637, H.B. 644, approved September 4, 1951, be and the same is hereby amended to read as follows:

"That such Chief Clerk be paid a salary of not less than \$4800.00 per year nor more than \$5800.00 per year, payable in equal monthly installments."

Section 2. That this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 8, 1955.

Time: 10:05 A.M.

Act No. 379

H. 903—Simon, Murphy, Tyson

AN ACT

To provide for and fix the compensation and duties of the Chief Assistant in the office of the Clerk of the Circuit Court of Mobile County, Alabama, in charge of the Criminal Division of said Circuit Court.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Clerk of the Circuit Court of Mobile County, Alabama, may employ at public expense one Clerk to serve as Clerk of the Criminal Division of said Court to be known as the Chief Assistant to the Clerk of said Court and authorized to perform all of the official duties of the Clerk of said Court, who shall be an employee of the Clerk of said Court and as such may be discharged or otherwise dealt with by the Clerk of said Court in all respects as may be done between private employer and employee, such Chief Assistant to discharge the duties imposed upon him or her by law and by the Clerk of said Court.

Section 2. That such Chief Assistant shall be paid a salary of \$5400.00 per year, payable in equal monthly installments out of the Treasury of Mobile County, Alabama.

Section 3. That the Chief Assistant to the Clerk of said Court, provided for herein, before he or she enters upon his or her duties herein prescribed, must take the oath directed to be taken by the officers of this state, and give bond with surety, payable to the said Clerk of said Court, in such sum as he may prescribe. Upon this bond the said Chief Assistant to the Clerk of said Court shall be liable to the said Clerk of said Court in consequence of any act of misfeasance or malfeasance of such Chief Assistant in the duties of his or her office. Said bond must be approved by the said Clerk of said Court, and be filed and recorded in the office of the Judge of Probate for said County, and the premiums for said bond paid from funds of the Treasury for said County.

Section 4. That all laws, general, local or special, in conflict with the provisions of this Act are hereby repealed.

Section 5. This Act shall take effect immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved September 8, 1955.

Time: 10:10 A.M.

Act No. 380

H. 730—Murphy, Simon

AN ACT

To amend further Act No. 529, H. 977, approved September 2, 1949 (Acts of Alabama, 1949, page 827) which provided for a plumbers examining board in all counties in the State having a population of not less than 140,000 according to the last or any subsequent Federal decennial census, as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 529, H. 977, approved September 2, 1949 (Acts of Alabama, 1949, page 827) entitled "An Act To apply in all counties of this State having a population of not less than 140,000 according to the last or any subsequent Federal census and to provide for the protection of public health and safety in such counties by requiring persons to establish their competency as plumbers before doing or supervising plumbing in said counties in this State; to create a board to be known as the Plumbers Examining Board; to define plumbing, master plumbers, journeymen plumbers and subjects related to plumbing; to provide for the appointment of the members of said Plumbers Examining Board and their term of office; to provide for the payment of compensation to the members of said Board and the employees thereof, and to provide for the payment of expenses incurred by the members of said Board and its employees; to define the powers conferred upon and duties imposed upon said Board; to provide funds for the maintenance, operations and functions of said Board; to provide for the examination and certification of master plumbers and journeymen plumbers; to provide for the payment of examination fees and certificate fees; to empower the said Board to revoke certificates; to provide for appeals from the ruling of the Board; to provide for the execution and filing of bonds by plumbers; to provide for the collection, handling and disbursement of monies and funds received as fees by said Board; and to provide penalties for the violation of this Act," as amended, is further amended to read as follows:

"Section 5. Each member of the Plumbers Examining Board shall receive as compensation for his services the sum of twenty-five dollars (\$25) per day for each day necessarily spent in active service. In addition to such per diem compensation each member of the Board shall be reimbursed for his necessary expenses incurred in the performance of his duties as a member of the Board. The expenses allowable to each member of the Board shall not exceed twenty-five dollars (\$25) per day, including travel and hotel expenses. No member of the Board shall receive compensation for more than sixteen (16) days in any one calendar year, nor shall any member of the Board receive the per diem expense allowance, hereinabove provided, for more than sixteen (16) days in any one calendar year.

"The compensation of the Secretary-Treasurer of the Board shall be fixed by the Board at a rate not exceeding Twenty-four Hundred Dollars (\$2400.00) per annum, payable in monthly installments.

"Any employee of the Board, when traveling on official business for the Board, shall be entitled to be reimbursed for actual expenses incurred, including hotel and traveling ex-

penses, not exceeding twenty-five dollars (\$25) per day; provided, however, the total amount of such expenses for all employees of the Board shall not exceed seven hundred fifty dollars (\$750.00) in any one calendar year.

"The Board shall have the authority to employ any stenographic or clerical help when and if the same may be needed, and to purchase necessary office supplies. The Board may also employ inspectors or enforcement officers, for full-time duty or part-time duty, provided no person shall be employed as an inspector or enforcement officer who is engaged in or connected with the plumbing industry or the installation of plumbing nor connected with any person, firm or corporation handling or dealing in appliances connected with plumbing.

"The compensation and expense provided for in this section, and all other authorized expenses, shall be payable solely from fees collected by or on behalf of the Board. In no event shall any expense incurred by the Board be charged against any funds of the State of Alabama other than the funds collected under the provisions of this Act."

Section 2. Section 7 of said Act No. 529, approved September 2, 1949, as amended, is amended further to read as follows:

"It shall be unlawful for any person, firm or corporation to do or perform, or to contract, direct or superintend any plumbing anywhere within any county having a population in excess of 140,000 inhabitants, according to the last or any subsequent Federal decennial census, unless such person has first received a certificate of competency, hereinafter referred to as 'certificate,' and unless such certificate is in force and effect at time such plumbing is done, directed or superintended; except as hereinafter provided.

"It shall be the duty of the Board to examine and pass upon the qualifications of every person who may apply for a journeyman's plumber's certificate upon forms provided by the Board. Such applicant shall be examined, orally or in writing, upon the fundamentals of plumbing, the theory and practice of plumbing installation and construction, and the experience and ability of the applicant in practical plumbing installation and construction; and if such applicant be found to possess an accurate knowledge of the theory and correct practice of plumbing installation and construction, and sufficient experience and ability in plumbing installation and construction to safely and competently apply his knowledge and practice, the Board shall issue to him a certificate, upon his first paying all fees herein prescribed.

"It shall be the duty of said Board to examine and pass upon the qualifications of every person who may apply for a master plumber's certificate upon forms provided by the Board. Such applicant for a master's certificate shall be examined as an applicant for a journeyman's certificate, as hereinabove required to be examined and also upon his knowledge, training and ability, in the planning, laying out, and supervision of plumbing installation and construction work; and if such applicant for a master's certificate be found to possess the qualifications hereinabove prescribed for issuance of a journeyman's certificate, and also sufficient knowledge, training, and ability to competently and safely plan, lay out and supervise plumbing installation and construction work, he shall be issued a master plumber's certificate by said board. The examination required of an applicant for a permit as a master plumber or journeyman plumber may be waived by the Board as to any person who furnishes satisfactory proof to the Board that he is a person of good moral character, and that he has been actively engaged as a master plumber or as a journeyman plumber, and duly licensed as such under the general laws of the State of Alabama, as the case may be, for at least two years, provided that such person files an application in writing for waiver with the Board, which application shall be accompanied by an affidavit giving the name or names of persons, firms or corporations, and the addresses thereof, by whom he has been employed, or for whom he has done plumbing work, during said two years of his engaging in said trade. And, provided, further, that said application be filed within six months after the passage of this Act. Except as herein provided in this Section, no person shall be issued a certificate without passing the prescribed examination; provided, however, that a person after having passed said examination, shall not be required to take said examination thereafter in order to secure a certificate in subsequent years. At least four (4) examinations per year shall be conducted, at a time and place prescribed by the Board after reasonable notice thereof."

Approved September 8, 1955.

Time: 10:20 A.M.

Act No. 381

H. 900—Murphy, Simon

AN ACT

To alter, rearrange and fix the boundaries of the City of Mobile in the State of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the City of Mobile are hereby so altered, rearranged and fixed as to be as follows:

Commencing at the intersection of the West Harbor line of Mobile River and the Township line between Township 3 South and Township 4 South; thence eastwardly along said Township line to the point where the same intersects the east shore line of Blakeley Island on Polecat Bay; thence, southwardly along the meanders of the said east shore line of Blakeley Island and the north shore line of the Mobile Bay Bridge Causeway to a point on said north shore line of said causeway where said shore line is intersected by the north-south coordinate line 336,000 of the Transverse Mercator Projection for Alabama West Zone as used officially on maps of Mobile Bay Area by the United States Corps of Engineers; thence south along said coordinate line to the point of its intersection with the South Boundary Line of Township 4 South; thence westwardly along said Township Line between Township 4 South and Township 5 South to the point where the same intersects the North right-of-way line of the Louisville & Nashville Railroad; thence Southwestwardly along the North right-of-way line of the Louisville & Nashville Railroad to the West bank of Dog River; thence Northwestwardly along the West bank of Dog River to the North bank of Bolton Branch; thence Northwestwardly along the North bank of Bolton Branch to the Range line between Range 1 West and Range 2 West of the St. Stephens Meridian; thence due North along said Range line to the Southwest corner of Section 6, Township 4 South, Range 1 West of the St. Stephens Meridian; thence East along the South line of Section 6, and continue East along the South line of Section 5 of said Township 4 South, Range 1 West, in a straight line to the Southeast line of Alley No. 1 (Prichard Lane); thence Northeastwardly along the South property line of Alley No. 1 (Prichard Lane) to the point where the same intersects the East property line of College Avenue; thence Southeastwardly along the East and North property lines of College Avenue to the North property line of Sweeney's Lane; thence Southwestwardly along the North property line of Sweeney's Lane to the West bank of Toulmin's Branch; thence Southeastwardly along the West bank of Toulmin's Branch to a point directly West of the South boundary line to the city of Prichard; thence Eastwardly, Northwardly and Eastwardly, along the boundary line of the City of Prichard to the Southeast corner of the Craftview Court subdivision; thence directly Eastwardly to the point of intersection of the West boundary line of West Highlands subdivision; thence Northwardly along the West Boundary line of West Highlands subdivision to the North boundary line of said subdivision; thence Eastwardly along the North boundary line of said subdivision to the West right-of-way line of Telegraph Road; thence Northwestwardly along said right-of-way line to the South right-of-way line of the Bay Bridge Road; thence Eastwardly along said South right-of-way line to the East right-

of-way line of the Southern Railroad; thence Northwestwardly along the East right-of-way line of the Southern Railroad to the point where the same intersects the Township line between Township 3 South and Township 4 South; and thence Eastwardly to the point of beginning at the intersection of said Township line and the West Harbor line of Mobile River.

Section 2. This act shall be effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 8, 1955.
Time: 10:21 A.M.

Act No. 382

H.834—Kendall, Stokes

AN ACT

To authorize and empower the director of the highway department to issue special permits for the movement of certain oversized vehicles over the public highways of the State.

Be It Enacted by the Legislature of Alabama:

Section 1. The director of the highway department may issue special permits, without cost to the applicant therefor, for movement over the public highways of oversized vehicles manufactured, reconditioned, or repaired in this State when reasonably necessary for the delivery of such vehicles to the owners or purchasers thereof outside the State. Said permits shall be issued and may be renewed upon such terms and conditions, in the interest of public safety and the preservation of the highways, as the director of the highway department may in his discretion require; and he may designate the route over which such vehicles may be moved, and the hours of movement thereof. The operation of vehicles in accordance with the terms of such permit shall not constitute a violation of the provisions of Title 36 of the Code of Alabama (1940) relating to limitations on the size of vehicles, provided the operator of such vehicle shall have in his possession said permit, or a copy thereof authenticated as the director may require.

Section 2. This Act is supplemental to Section 91, Title 36, Code of Alabama (1940).

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.
Time: 8:12 A.M.

Act No. 383

H. 216—Hawkins, Edwards (Escambia), Meeks, Money.

AN ACT

To make an appropriation for the support of the Council of State Governments.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated, out of any funds in the State Treasury not otherwise appropriated, the sum of Four Thousand Dollars (\$4,000.00) annually for each of the fiscal years ending September 30, 1956 and September 30, 1957 to the Council of State Governments located at Chicago, Illinois, to be used for the support of the Council.

Section 2. That the State Comptroller is hereby authorized to draw his warrant payable to the executive secretary of the Council of State Governments for such amounts of the appropriation as may be released and approved for payment by the Governor.

Section 3. This Act shall become effective on October 1, 1955.

Approved September 8, 1955.

Time: 8:15 A.M.

Act No. 384

H. 179—Kaul, Windle, Davis, Pirkle, Locke (Choctaw)

AN ACT

To enable the State of Alabama to enter into a compact with other states for the purpose of promoting effective prevention and control of forest fires in the Southeastern Region of the United States by the development of integrated forest fire plans; to provide for mutual aid between such compacting states in fighting forest fires; to provide for a forest fire control compact administrator for the State of Alabama; to provide and establish an Advisory Committee of legislators and forestry representatives; to provide for the duties and travel expense of said committee.

Be It Enacted by the Legislature of Alabama:

Section 1. The Governor on behalf of this State is hereby authorized to execute a compact, in substantially the following form, with any one or more of the States of Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, and the legislature hereby signifies in advance its approval and ratification of such compact, which compact is as follows:

SOUTHEASTERN INTERSTATE FOREST FIRE PROTECTION COMPACT

Article I.

The purpose of this compact is to promote effective prevention and control of forest fires in the Southeastern region of the United States by the development of integrated forest fire plans, by the maintenance of adequate forest fire fighting services by the member states, by providing for mutual aid in fighting forest fires among the compacting states of the region and with states which are party to other Regional Forest Fire Protection compacts or agreements, and for more adequate forest protection.

Article II.

This compact shall become operative immediately as to those states ratifying it whenever any two or more of the states of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, which are contiguous have ratified it and Congress has given consent thereto. Any state not mentioned in this article which is contiguous with any member state may become a party to this compact, subject to approval by the legislature of each of the member states.

Article III.

In each state, the state forester or officer holding the equivalent position who is responsible for forest fire control shall act as compact administrator for that state and shall consult with like officials of the other member states and shall implement cooperation between such states in forest fire prevention and control.

The compact administrators of the member states shall coordinate the services of the member states and provide administrative integration in carrying out the purposes of this compact.

There shall be established an advisory committee of legislators, forestry commission representatives, and forestry or forest products industries representatives which shall meet from time to time with the compact administrators. Each member state shall name one member of the Senate and one member of the House of Representatives who shall be designated by that state's commission on interstate cooperation, or if said commission cannot constitutionally designate the said members, they shall be designated in accordance with laws of that state; and the Governor of each member state shall appoint two representatives, one of whom shall be associated with forestry or

forest products industries to comprise the membership of the advisory committee. Action shall be taken by a majority of the compacting states, and each state shall be entitled to one vote.

The compact administrators shall formulate and, in accordance with need, from time to time, revise a regional forest fire plan for the member states.

It shall be the duty of each member state to formulate and put in effect a forest fire plan for that state and take such measures as may be necessary to integrate such forest fire plan with the regional forest fire plan formulated by the compact administrators.

Article IV.

Whenever the state forest fire control agency of a member state requests aid from the state forest fire control agency of any other member state in combating, controlling, or preventing forest fires, it shall be the duty of the state forest fire control agency of that state to render all possible aid to the requesting agency which is consonant with the maintenance of protection at home.

Article V.

Whenever the forces of any member state are rendering outside aid pursuant to the request of another member state under this compact, the employees of such state shall, under the direction of the officers of the state to which they are rendering aid, have the same powers (except the power of arrest), duties, rights, privileges and immunities as comparable employees of the state to which they are rendering aid.

No member state or its officers or employees rendering outside aid pursuant to this compact shall be liable on account of any act or omission on the part of such forces while so engaged, or on account of the maintenance, or use of any equipment or supplies in connection therewith: Provided, that nothing herein shall be construed as relieving any person from liability for his own negligent act or omission, or as imposing liability for such negligent act or omission upon any state.

All liability, except as otherwise provided hereinafter, that may arise either under the laws of the requesting state or under the laws of the aiding state or under the laws of a third state on account of or in connection with a request for aid, shall be assumed and borne by the requesting state.

Any member state rendering outside aid pursuant to this compact shall be reimbursed by the member state receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the

cost of all materials, transportation, wages, salaries, and subsistence of employees and maintenance of equipment incurred in connection with such request: Provided, that nothing herein contained shall prevent any assisting member state from assuming such loss, damage, expense or other cost or from loaning such equipment or from donating such service to the receiving member state without charge or cost.

Each member state shall provide for the payment of compensation and death benefits to injured employees and the representatives of deceased employees in case employees sustain injuries or are killed while rendering outside aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such state.

For the purposes of this compact the term employee shall include any volunteer or auxiliary legally included within the forest fire fighting forces of the aiding state under the laws thereof.

The compact administrators shall formulate procedures for claims and reimbursement under the provisions of this article, in accordance with the laws of the member states.

Article VI.

Ratification of this compact shall not be construed to affect any existing statute so as to authorize or permit curtailment or diminution of the forest fire fighting forces, equipment, services or facilities of any member state.

Nothing in this compact shall be construed to limit or restrict the powers of any state ratifying the same to provide for the prevention, control and extinguishment of forest fires, or to prohibit the enactment or enforcement of state laws, rules or regulations intended to aid in such prevention, control and extinguishment in such state.

Nothing in this compact shall be construed to affect any existing or future cooperative relationship or arrangement between any federal agency and a member state or states.

Article VII

The compact administrators may request the United States Forest Service to act as a research and coordinating agency of the Southeastern Interstate Forest Fire Protection Compact in cooperation with the appropriate agencies in each state, and the United States Forest Service may accept responsibility for preparing and presenting to the compact administrators its recommendations with respect to the regional fire plan. Representatives of any federal agency engaged in forest fire prevention and control may attend meetings of the compact administrators.

Article VIII.

The provisions of Articles IV and V of this compact which relate to mutual aid in combating, controlling or preventing forest fires shall be operative as between any state party to this compact and any other state which is party to a regional forest fire protection compact in another region: Provided, that the legislature of such other state shall have given its assent to such mutual aid provisions of this compact.

Article IX.

This compact shall continue in force and remain binding on each state ratifying it until the legislature or the Governor of such state, as the laws of such state shall provide, takes action to withdraw therefrom. Such action shall not be effective until six months after notice thereof has been sent by the chief executive of the state desiring to withdraw to the chief executives of all states then parties to the compact.

Section 2. The expenses incurred by the Advisory Committee in attending meetings of the Southeastern Interstate Forest Fire Protection Compact shall be payable out of the State Forestry Funds. Such expenses shall include travel costs and other necessary expenses of the Advisory Committee members of the State of Alabama to and from meetings of the compact or its duly constituted sections or committees.

Section 3. Each provision of this Act is to be separate and independent of every other provision and should any provision hereof be determined invalid by a court of competent jurisdiction, the remainder hereof shall not be affected thereby.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved September 8, 1955.

Time: 8:21 A.M.

Act No. 385

S. 306—Mr. Bradford

AN ACT

To amend Section 3 of Act No. 169, General Acts of Alabama 1945 (General Acts 1945, page 286, section 3, effective August 22, 1945), and said Act as amended, by providing under subsection (1) of said section that the measure of the tax on pine lumber shall be twenty cents per thousand feet board measure lumber tally, and that the measure of the tax on hardwoods and other species of lumber described in sub-section (2) of said section shall be eight cents per thousand feet board measure lumber tally, and that sub-section (7) and (8) shall be amended to provide that the levy in each instance shall be on invoice value at the loading out point and that such levy shall be based on the amount paid at the stump.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 3 of an Act designated as Act No. 169 of the Regular Session of the Legislature of 1945, approved June 23, 1945, and said Act as amended, and particularly Subsections (1), (2), (7), and (8) of said Section, be and the same are hereby amended to read as follows:

"Section 3. The measure of the tax is at the following rates: 1. On pine lumber twenty (20¢) cents per thousand feet board measure lumber tally. Where the timber is sold as logs and is not converted into lumber in Alabama, the rate shall be twenty (20¢) cents per thousand feet log scale (Doyle Rule) except that logs under eight inches in diameter inside bark at small end shall be scaled as containing one foot log scale for each foot of length. 2. On hardwood, cypress and all other species of lumber eight (8¢) cents per thousand feet board measure lumber tally. Where the timber is sold as logs and is not converted into lumber in Alabama, the rate shall be twenty (20¢) cents per thousand feet log scale (Doyle Rule) except that logs under eight inches in diameter inside bark at small end shall be scaled as containing one foot log scale for each foot of length. 3. On pulpwood, chemical wood, bolts, six (6¢) cents per standard cord of one hundred twenty-eight (128) cubic feet. 4. On cross ties .6 of one per cent per piece and on switch ties one (1¢) cent per piece. 5. On mine ties and coal mine props, five (5¢) cents per 100 pieces. 6. On pine ore mine props, thirty (30¢) cents per thousand feet log scale (Doyle Rule) and on hardwood ore mine props, twenty (20¢) cents per "thousand feet log scale (Doyle Rule) except that props under eight inches in diameter at small end shall be scaled as containing one foot log scale for each foot of length. In lieu of the foregoing schedule of taxes on ore mine props, the taxpayer may elect to pay the taxes due thereon at the rate of one dollar and twenty-five cents (\$1.25) per thousand lineal feet regardless of species. 7. On piling, three fourths ($\frac{3}{4}$ ths) of one (1%) per cent on invoice value at loading out point which shall be based on the amount paid for the pilings at the stump. 8. On poles, one half ($\frac{1}{2}$) of one (1%) per cent on invoice value at loading out point which shall be based on the amount paid for the poles at the stump. 9. On turpentine (crude gum), six (6¢) cents per barrel of 400 pounds. 10. On stumpwood (tarwood), five (5¢) cents per ton (2,000 lbs.)."

Section 2. If any clause, sentence, paragraph or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which judgment has been rendered.

Section 3. This Act shall become effective immediately upon its approval by the Governor, or its otherwise becoming a law.

Approved September 9, 1955.

Time: 8:40 A.M.

Act No. 386

H. 741—Meeks, Nice, Vacca, Perry, Edwards (Jefferson), Lackey, Kaul

AN ACT

To Alter and Extend the Boundaries of the City of Mountain Brook.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Mountain Brook, in the County of Jefferson, State of Alabama, are hereby altered and extended so that said boundaries shall include within the corporate limits of said City all the following described additional property not presently located in said City, to-wit:

The S $\frac{1}{2}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ and all that part of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 8, Township 18 South of Range 2 West, in Jefferson County, Alabama, except a tract in the northwest corner in the shape of a parallelogram 341.92 feet long east and west and 127.4 feet wide north and south.

Section 2. This act shall be and become effective upon and after the date of passage.

Approved September 9, 1955.

Time: 8:43 A.M.

Act No. 387

H. 815—Hawkins, Dawkins

AN ACT

To provide for the appointment by the Governor of a press secretary, and to fix his compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. The Governor is authorized to appoint and prescribe the duties of a secretary, to be known as the Governor's Press Secretary, whose salary is hereby fixed at the sum of ten thousand dollars per annum.

Section 2. All laws and parts of laws in conflict with the provisions of this act shall be and the same are hereby repealed.

Section 3. This act shall take effect immediately upon its passage by the legislature and approval by the Governor, or upon its otherwise becoming law.

Approved September 9, 1955.

Time: 8:44 A.M.

Act No. 388

H. 350—Grouby, Harrison, Hodges, Kendall, Solomon, Holli-man, Kelly, Law, Bras-sell, Ferrell, Dement, Cox, Callahan, Vacca, Ed-wards (Escambia), Faulk, Brooks, Hawkins, Bas-sett, Lee (Barbour), Wood, Locke (Choctaw), Murphy, Simon, Pruitt, Johnson (Elmore), Stea-gall

AN ACT

To fix the compensation of certain State Officers.

Be It Enacted by the Legislature of Alabama:

Section 1. The State Auditor, the Secretary of State and State Treasurer, each shall receive an annual salary of Eight Thousand and No/100 Dollars (\$8,000.00) payable out of any funds in the State Treasury, not otherwise appropriated, in equal monthly installments as the salaries of other State Of-ficers are paid.

Section 2. All laws in conflict herewith are hereby repealed.

Section 3. The provisions of this Act shall not become ef-fective until the beginning of the next terms of office of said officers.

Approved September 9, 1955.

Time: 8:45 A.M.

Act No. 389

H. 988—Selman, Shumate

AN ACT

Relating to Walker County; requiring certain purchases for the county or any office, department, board, agency or institution, thereof to be based on competitive bids; prescribing procedures for handling such bids and making such purchases; and prescribing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. Except as otherwise provided in this Act, all purchases of supplies, material, equipment and contractual services, including linen and cleaning services, for Walker County or any office, department, board, agency or institution thereof, including the county board and superintendent of education, involving an expenditure of \$25.00 dollars or more, shall be based on competitive bids.

Section 2. (a) Any officer or employee of Walker County authorized to purchase any of the items enumerated in Section 1 hereof shall before awarding any contract of purchase, secure at least three competitive bids thereon and shall award such contract to the lowest responsible bidder, taking into consideration the qualities of the commodities proposed to be supplied, their conformity with specifications, the purposes for which required, the terms of delivery, transportation charges, and the dates of delivery. Any or all bids may be rejected if the public interest will be served thereby. If all bids received on a pending purchase or contract are for the same unit price or total amount, all such bids may be rejected and the purchase may be made on the open market, provided the open market price does not exceed the bid price.

(b) A record of all invitations for bids shall be kept and each bid, along with the name of each bidder responding thereto, shall be entered on this record. The successful bidder shall be indicated on this record, and if the award is not made to the lowest or best bidder the reasons therefor shall also be entered thereon. After the award of the order or contract the record shall be open to public inspection.

Section 3. Competitive bids need not be secured when making purchases of:

(1) Telephone or telegraph services, electric light and power service; and other utility services;

(2) Books or other printed matter on technical subjects;

(3) Perishable articles, such as fresh vegetables, fresh meat, eggs, milk and other foodstuffs;

(4) Commodities or services for which there is extreme or immediate need to meet actual emergencies involving danger to life or property or arising from unforeseen causes, such as delays by contractors, delays in transportation on unprecedented volume of work, or breakdowns in machinery.

Section 4. The Board of Revenue or other governing body of Walker County may promulgate additional rules not inconsistent with this Act, regulating the purchasing of supplies,

material, equipment and services for Walker County or any of its offices, departments, boards, agencies or institutions, other than boards of education, superintendent of education, schools and principals and teachers of schools. The board of education of Walker County may promulgate additional rules not inconsistent with this Act, regulating the purchasing of supplies, material, equipment and services for the schools and school system of Walker County.

Section 5. Any officer or employee of Walker County or any department, board, agency or institution thereof who awards a contract of purchases of any item or service enumerated in Section 1 hereof contrary to the provisions of this Act shall be liable personally for the cost of such order or contract, and if the same has been paid by the county the amount paid by reason of such contract may be recovered by the county in an appropriate action therefor, but as to Walker County the contract shall be void and unenforceable.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws and all administrative rules and regulations, in conflict with this Act are repealed.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 11:00 A.M.

Act No. 390

S. 22—Newton

AN ACT

To repeal Section 555 of Title 51, Code of Alabama (1940), which levies a privilege tax on the operation of a coal mine.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 555 of Title 51, Code of Alabama (1940), is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 9:15 A.M.

Act No. 391

S. 33—Messrs. Coleman, Bradford,
Roberts, Lamberth, Flowers,
Van Antwerp, and Newton

AN ACT

To regulate the sale, possession, displaying, offering for sale and use of fireworks in the State of Alabama. To regulate the periods of sale, provide for public display of fireworks, and to prescribe penalties for any violation of this act or any regulation promulgated under its authority.

Be It Enacted by the Legislature of Alabama:

Section 1. As used in this Act the term "fireworks" shall be deemed to include any explosive composition or any substance or combination of substances, or article prepared for the purpose of producing an audible effect by explosion, deflagration or detonation, and shall include blank cartridges, toy cannons, in which explosives are used, the type of balloons which require fire underneath to propel the balloons, firecrackers, sparklers, torpedoes, sky rockets, Roman candles, bombs, or other fireworks containing any explosive compound, or any tablets or other devices containing any explosive substance; provided, however, that the term "fireworks" shall not include pistol caps containing twenty-five hundredths (25/100) grains or less of explosive compound, toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five hundredths (25/100) grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for the explosion, the sale and use of which shall be permitted at all times.

Section 2. Except as provided in Section 3 of this Act, it shall be unlawful for any person, firm or corporation or association within this State to sell, offer for sale, keep, or have in possession, barter, exchange, or give away, furnish at a public place or elsewhere, or otherwise dispose of, use, or explode any fireworks or pyrotechnics described in Section 1, or to accept the delivery of, receive, have in possession, or possess in this State, any of these fireworks or pyrotechnics in any quantity whatsoever.

Section 3. Section 2 of this Act shall not apply to the possession, sale, disposal, use, or explosion of fireworks set out in this Section below as follows:

(1) SPARKLERS AND DIPPED STICKS, total pyrotechnic composition not to exceed one hundred (100) grams each in weight. Pyrotechnic composition containing any chlorate or perchlorate shall not exceed five (5) grams.

No component of any device listed in this Section, which is designed to produce an audible effect shall contain pyrotechnic composition in excess of two (2) grains in weight, excluding propelling or expelling charges, and all other fireworks not enumerated in this Section are illegal, except as herein provided.

Section 4. That the fireworks listed in Section 3 of this Act may be sold at retail from June 25th to July 5th, both inclusive, and December 15th to January 1st, both inclusive, of each year only.

Section 5. That no fireworks are to be sold at retail at any location where paints, oils or varnishes shall be kept for use or sale, unless such paints, oils or varnishes are kept in the original unbroken containers, nor where resin, turpentine, gasoline or other inflammable substance which may generate inflammable vapors is used, stored or sold. At all places where fireworks are stored or sold, there must be posted signs with the words "Fireworks—No Smoking" in letters not less than four (4) inches high.

Section 6. That it shall be unlawful to offer for sale or to sell fireworks of any description or kind to children under the age of ten (10) years or to any intoxicated person.

Section 7. That nothing in this Act shall apply to the possession, sale, disposal, use or explosion of fireworks for public display in accordance with rules and regulations promulgated by the State Fire Marshal pursuant to Section 38, Title 55, Code of Alabama, 1940. Any person proposing to hold a public display of fireworks shall give notice thereof to the State Fire Marshal at least five (5) days prior thereto and the Fire Marshal may for good cause disapprove the display and prohibit its being held.

Section 8. That nothing in this Act shall apply to the possession, sale, disposal, use, or explosion of fireworks for the safe operation of railroads or other class of public or private transportation, nor as applying to the military or naval force of the United States, or of this State, or to peace officers, nor as prohibited the sale or use of blank cartridges for ceremonial, theatrical or athletic events, nor to the use of fireworks solely for agricultural purposes. Persons desiring to possess or use fireworks solely for agricultural purposes must first obtain written permission of the State Fire Marshal.

Section 9. That this Act shall not effect the power of any municipality to regulate or prohibit the possession, sale or use of fireworks.

Section 10. Any person who violates any provision of this Act, or any regulation promulgated under the authority of it, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00), to which, in the discretion of the Court, may be added imprisonment in the County Jail or hard labor for the County for not more than six (6) months.

Section 11. That the provisions of this Act are hereby declared severable and if any of its Sections, provisions, clauses, or paragraphs be held unconstitutional or void, then the remainder of this Act shall continue in full force and effect, it being the legislative intent now hereby declared that this Act would have been adopted even if such unconstitutional or void matter had not been included therein.

Section 12. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 13. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 9:18 A.M.

Act No. 392

S. 106—Messrs. Jones and Givhan

AN ACT

To repeal Section 44 of Title 41, Code of Alabama (1940), which makes the official bond of certain county officers a lien on the property of such officers.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 44 of Title 41, Code of Alabama (1940), is hereby expressly repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 9:20 A.M.

Act No. 393

S. 180—Goodwin

AN ACT

To amend Section 126 of Title 10, Code of Alabama (1940) which relates to the powers of corporations not of a business character.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 126 of Title 10, Code of Alabama (1940) is amended to read as follows:

“Corporations not of a business character created under this article, or created by special act of the legislature heretofore, may acquire, hold, administer, distribute or dispose of

real and personal property, and may take, receive, and acquire property by gift, devise, or bequest, and hold, own, administer, use, distribute and dispose of such property for the advancement, promotion, extension, or maintenance of such causes and objects as may be prescribed by the constitution and by-laws of such corporation, in conformity with all lawful conditions imposed by the donor, and may exercise such other powers as are incident to private corporations. All such powers may be exercised by such corporation in its own right, or as trustee or as personal representative."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.
Time: 9:25 A.M.

Act No. 394

S.221—Messrs. Cooper and Engelhardt

AN ACT

To amend Section 404 of Title 37 of the Code of 1940 relating to election of mayor and aldermen; legislative functions.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 404 of Title 37, Code of 1940 be and the same is hereby amended to read as follows: "Section 404. (1760) (1068) Election of mayor and aldermen; legislative functions.—In all cities and towns at the general election to be held on the third Monday in September, 1940, and quadrennially thereafter, there shall be elected a mayor, who, in cities having a population of six thousand or more, according to the last or any subsequent federal census, shall not sit with the council, nor have a vote in its proceedings, and he shall have the power and duties herein conferred. In all cities and towns having a population of less than six thousand inhabitants according to the last or any subsequent federal census, the legislative functions shall be exercised by the mayor and five aldermen. The mayor shall preside over all deliberations of the council. At his discretion he may vote as a member of the council on any question coming to a vote, except in case of a tie, in which event he must vote. The aldermen in such municipalities shall be elected by the city or town at large, at the first general election held on the third Monday in September, 1940, and quadrennially thereafter or from wards as the said councils may determine, not less than six months before an election, and shall receive such salary as the council may prescribe, which must be fixed by the council not less than twelve months prior to each general municipal election."

Approved September 9, 1955.
Time: 9:30 A.M.

Act No. 395

S. 253—Mr. Cooper

AN ACT

To amend Section 73 (2377) of Title 37 of the Code of 1940 relating to compensation of commissioners.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 73 (2377) of Title 37, Code of 1940 be and the same is hereby amended to read as follows: "Section 73 (2377) Compensation of Commissioners; when and how paid.—Unless otherwise provided in this code or by local laws, the president of the board of commissioners of every city or organized under the terms of this article which shall have a population of fifteen thousand or more by the last federal or municipal census, shall receive a salary not to exceed thirty-six hundred dollars per annum, and each commissioner of such city shall receive a salary not to exceed twenty-four hundred dollars per annum; and the president of the board of commissioners of every such city, so organized and operating which shall have a population of eight thousand and not more than fifteen thousand, by the last federal or municipal census, shall receive a salary not to exceed twenty-five hundred dollars per annum; and every commissioner of such city shall receive a salary not to exceed eighteen hundred dollars per annum. The salary of the commissioners of such cities so organized and operating, having a population of less than eight thousand, by the last federal or municipal census, shall be fixed by ordinance adopted by the commissioners, and shall not be less than three hundred dollars per annum nor more than fifteen hundred dollars per annum for each commissioner. All salaries of commissioners shall be paid monthly and at the same rate for every fraction of a year for which they serve."

Section 2. All laws and parts of laws in conflict with the provisions hereof are hereby repealed to the extent to which they may conflict herewith.

Section 3. This act shall become effective immediately upon its adoption by the Legislature and approval by the Governor, or its otherwise becoming effective pursuant to law.

Approved September 9, 1955.
Time: 9:31 A.M.

Act No. 396

S. 254—Mr. Cooper

AN ACT

To amend further Section 105 of Title 37 of the Code of 1940 relating to compensation of commissioners.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 105 of Title 37, Code of 1940 be and the same is hereby further amended to read as follows: "Section 105. Compensation of commissioners.—Every commissioner of every city organized under the terms of this article shall receive a salary payable by the city in equal monthly installments for whatever time the commissioner serves, as follows: In cities of 8,000 or less population the salary of such commissioner shall be a sum not less than three hundred dollars nor more than fifteen hundred dollars per annum as may be fixed by ordinance duly adopted by the board of commissioners; in cities of more than 8,000 and not exceeding 15,000 population, the salary of each commissioner shall be at a rate not less than eighteen hundred dollars per annum and not more than twenty-five hundred dollars per annum; in cities of more than 15,000 and not exceeding 50,000 population the salary of each commissioner shall be at the rate of one hundred dollars per 1,000 population of the city according to the last federal census; and in cities of more than 50,000 and not exceeding 125,000 population the salary of each commissioner shall be at the rate of seventy-five hundred dollars per annum; and in cities over 125,000 population the salary of each commissioner shall be ten thousand dollars per annum."

Section 2. All laws and parts of laws in conflict with the provisions hereof are hereby repealed to the extent to which they may conflict herewith.

Section 3. This act shall become effective immediately upon its adoption by the Legislature and approval by the Governor, or its otherwise becoming effective pursuant to law.

Approved September 9, 1955.

Time: 9:33 A.M.

Act. No. 397

S. 279—Messrs. Smith, Metcalf, Davis, Engelhardt, Yarbrough (Randolph), Yarbrough (Autauga), Moses, Cooper, Shelton, Flowers, Givhan, Newton, Coleman, Eddins, Reeves, Calvin, Jones, Van Antwerp and Bradford.

AN ACT

Relating to crimes and offenses: To define the crime of indecent molestation of children and to fix the punishment therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person who shall take or attempt to take any immoral, improper, or indecent liberties with any child of either sex under the age of sixteen years, with intent of arousing, appealing to, or gratifying the lust or passions or sexual desires, either of such person or of such child, or of both such person and such child, or who shall commit, or attempt to commit any lewd or lascivious act upon or with the body, or any part or member thereof, of such child, with an intent of arousing, appealing to, or gratifying the lust or passions or sexual desires, either of such person or of such child, or of both such person and such child, shall, upon conviction, be imprisoned in the penitentiary for not less than one nor more than five years.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 9:35 A.M.

Act No. 398

H. 876—Hawkins, Hanby

AN ACT

Relating to Etowah County: To abolish the present Board of Revenue of Etowah County, Alabama, and to create the Etowah County Board of Revenue in lieu thereof; to provide for the election and terms of office of the President and four Associate members, and the districts in which the Associate Members must reside and be a qualified elector, to provide for the jurisdiction of the Board, the duties of the President and Associate Members, supervision of roads and bridges for the county, public meetings of the Board, the salaries of the President and Associate Members, the repeal of laws in conflict herewith and the effective date hereof.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created, and shall be established on the first Wednesday after the ninetieth day after final adjournment of the 1955 Regular Session of the Legislature, the Etowah County Board of Revenue, which shall be in lieu of the existing Board of Revenue for said county and shall be composed of a President and four Associate Members.

Section 2. The President of the Board shall be a qualified elector in Etowah County, Alabama, and shall be elected by the qualified electors of the entire county. The President of said Board shall be elected at the general election to be held in the

year 1958, and every four years thereafter, and shall hold office from the first Monday after the second Tuesday in January following his election, and until his successor is elected and qualified. The Chairman of the existing Board of Revenue shall serve as President of the Board herein established until a President is elected and assumes office as herein provided.

Section 3. Associate Members of the Board shall be elected by the qualified electors of the county-at-large, but each member of the Board must be a resident and qualified elector of the district for which he is elected, at the time of his election and during his continuance in office. Two Associate Members of the Board, one for District No. 1 and one for District No. 4, shall be elected at the general election in 1958, and every four years thereafter, to hold office from the first Monday after the second Tuesday in January following their election, and until their successors are elected and qualified. The member of the existing Board of Revenue holding Place No. 1 shall serve as a member of the new Board for District No. 1 and the member of the existing Board of Revenue holding Place No. 2 shall serve as a member of the new Board for District No. 4; and their successors shall be elected in 1958 and assume office on the first Monday after the second Tuesday in January, 1959. The first two Associate Members of the Board for Districts 2 and 3 shall be chosen as follows: Any political party, as defined under the primary election laws of this State, which is organized in Etowah County is hereby authorized to hold and conduct a special primary election in the county on the first Tuesday after the ninetieth day after final adjournment of the 1955 Regular Session of the Legislature. The sheriff shall give notice of the election once during each of three consecutive weeks by publication in a newspaper published in the county, and the first notice shall be published not later than fifteen days after the effective date of this Act. Candidates must qualify by filing a written declaration of candidacy with the chairman of the county executive committee of the political party at least sixty days before the date of the election. The election shall be held and conducted as prescribed by law for the holding of primary elections, except as otherwise provided herein, and the candidate of each political party receiving a plurality of the votes cast at the election shall be the nominee of the party. Within five days from the date of the election, the chairman of the county executive committee of each political party entering such special primary election shall certify to the Governor the names of the nominees of his party, and the Governor shall forthwith appoint two of the nominees whose names are thus submitted to him to serve as Associate Members of the Board for Districts 2 and 3 respectively, until the first Monday after the second Tuesday in January, 1961, and until their successors are elected and quali-

fied. Two Associate Members of the Board shall be elected at the general election to be held in the year 1960, and every four years thereafter, to hold office for terms of four years each, from the first Monday after the second Tuesday in January following their election, and until their successors are elected and qualified.

One Associate Member of the Board shall be a resident in and a qualified elector of District No. 1, which said district is described as follows:

All of that portion of Etowah County, Alabama, lying East and Southeast of the Coosa River.

One Associate Member of the Board shall be a resident in and a qualified elector of District No. 2 which said district is described as follows:

Beginning on the Southeast side of the Attalla-Chattanooga Highway, where said Attalla-Chattanooga Highway crosses the boundary line between DeKalb County and Etowah County; thence in a Southwesterly direction along the southeast side of said Attalla-Chattanooga Highway to a point where said highway intersects the north boundary line of the City Limits of Attalla, Alabama; thence following the boundary line of all that portion of the city limits of the City of Attalla, lying northwest of the Attalla-Chattanooga Highway and the Attalla-Birmingham Highway to a point where the southerly most point of said boundary line of the City of Attalla touches the northwest side of the Attalla-Birmingham Highway; thence along the northwest side of said Highway in a Southwesterly direction to the boundary line between Etowah County and St. Clair County; thence in a southerly and easterly direction along the boundary line of Etowah County and St. Clair County to the west side of Coosa River at a point where said river crosses from Etowah County into St. Clair County; thence following the meanderings of the Coosa River in a northerly direction along the west side of said Coosa River to a point where said Coosa River crosses the boundary line between Etowah County and Cherokee County; thence in a northerly direction along the boundary lines between Etowah County and Cherokee County to a point where the boundary lines of Etowah County, Cherokee County and DeKalb County meet; and thence in a westerly direction along the boundary line between Etowah County and DeKalb County to the point of beginning; it being the express intention of this description to include, in addition to the property herein described, all the property lying within the city limits of the City of Attalla, Alabama, and all the property lying West of the Coosa River within the city limits of Gadsden, Alabama.

One Associate Member of the Board shall be a resident in

and a qualified elector of District No. 3, which said district is described as follows:

Beginning on the northwest side of the Attalla-Chattanooga Highway where said Attalla-Chattanooga Highway crosses the boundary line between DeKalb County and Etowah County; thence in a southwesterly direction along the northwest side of said Attalla-Chattanooga Highway to a point where said highway touches the boundary line of the City Limits of the City of Attalla, Alabama; thence following the boundary lines of the city limits of Attalla in a westerly direction to where said boundary line of said City of Attalla intersects the Attalla-Boaz Highway; thence in a northwesterly direction along said Attalla-Boaz Highway to a point where said highway intersects the boundary line between Marshall County and Etowah County; thence in an easterly direction along said boundary line between Marshall County and Etowah County to a point where the boundary line of Marshall County, Etowah County and DeKalb County meet; and thence along the boundary line between DeKalb County and Etowah County in an easterly direction to the point of beginning.

One Associate Member of the Board shall be a resident in and a qualified elector of District No. 4, which said district is described as follows:

Beginning at a point where the Attalla-Boaz Highway intersects the boundary line between Etowah County and Marshall County; thence following said Attalla-Boaz Highway in a southerly direction to a point where said Attalla-Boaz Highway intersects the boundary line of the City of Attalla; thence in a Southerly and Southwesterly direction following the boundary line of all that portion of the city limits of Attalla, lying southwest of said Attalla-Boaz Highway and northwest of the Attalla-Birmingham Highway to where said boundary line touches said Attalla-Birmingham Highway; thence in a southwesterly direction along said Attalla-Birmingham Highway to a point where said Attalla-Birmingham Highway intersects the boundary line between Etowah County and St. Clair County; thence in a westerly and northwesterly direction along the boundary line between Etowah County and St. Clair County to a point where the boundary line of Etowah County, St. Clair County and Blount County meet; thence in a northeasterly and northerly direction along the boundary line between Etowah County and Blount County to a point where the boundary lines of Etowah County, Blount County and Marshall County meet; and thence in a northeasterly direction along the boundary line between Etowah County and Marshall County to the point of beginning.

Section 4. The Board of Revenue shall have all the jurisdiction and powers which are or may hereafter be by law

vested in the courts of county commissioners, boards of revenue, or other county governing bodies of this state except as otherwise in this act provided and the members thereof shall perform all the duties and services and exercise all the powers which are, or may be, provided by law for the members of courts of county commissioners, boards of revenue or other county governing bodies of this State.

Section 5. The President of the Board shall be its presiding officer and shall have the same powers and authority as other members in passing upon all questions, and shall sign the minutes of the proceedings of the board, and shall sign all warrants drawn on the county treasurer, unless in the event of his disability some other member of the board shall be designated by an appropriate resolution of the Board so to do, and it shall be his duty to receive and prepare business and obtain information for the sessions of said Board, and to see to the execution of all orders thereof, and to report to the Board all infractions of the revenue law in said county of which he can obtain authentic information. He shall exercise all the powers and perform all the duties required of the probate judge as to matters coming before the court of county commissioners. He shall devote his full time to the duties of his office.

Section 6. Each Associate Member shall be responsible for and supervise the construction, maintenance and condition of county roads, bridges and buildings in his district and see that the same are kept in repair and improved.

Section 7. By appropriate resolution or action of the Board provisions shall be made for providing for each member of the Board transportation required by him, in and only in, the official discharge of the duties of his office, and necessary for the proper discharge of such duties.

Section 8. The Board shall on all purchases for the county in excess of \$150.00, and for not more than \$1,000.00 receive publicly, competitive bids therefor after due notice, by posting at the courthouse door for at least five days prior thereto of the proposed purchase and a brief specification thereof. For all purchases in excess of \$1,000.00, like advertisements shall be given at least one time in a newspaper of general circulation in the county. The provisions of this section contained shall not apply if purchases are made through any legally constituted state purchasing agency by whatever name or designation the same may be known.

Section 9. The Board shall hold at least one public meeting weekly, at a regularly designated time which shall not be changed by the Board on less than two weeks' notice; and the Board shall keep complete and accurate written minutes of all

meetings, business transacted and resolutions, and there shall be recorded therein the vote of each individual member and at each said meeting the minutes of the previous meeting shall be read and all such minutes shall be open to public inspection at reasonable times.

Section 10. The salary of the President of the Board shall be \$6,500.00, per annum, and the salaries of each Associate Member shall be \$6,000.00 per annum, all payable in equal monthly installments on the last day of each month out of the funds of the county. Neither the President nor the Associate Members of the Board shall be entitled to any ex officio fees or charges or additional compensation. The compensation provided in this section shall constitute the full and complete compensation which the President and Associate Members of the Board shall be entitled to receive for their service.

Section 11. All local acts pertaining to the organization, duties and jurisdiction of the Board of Revenue of Etowah County are hereby repealed, but the Act to establish a county depository in lieu of a county treasurer for Etowah County passed and approved on June 3, 1935; 1935 Local Acts, page 34, is not repealed and is continued in effect and full force.

Section 12. Section 3 of this Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 9:36 A.M.

Act No. 399

H. 812—Hawkins

AN ACT

To amend Code of Alabama, Title 51, Section 606.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama, Title 51, Section 606, is amended to read as follows:

S 606. Trading stamps.—Every person who engages in or carries on the business of issuing or selling to merchants, trading stamps, or any device or substitute therefor, or any stamps or certificates of like character which are to be given by merchants to purchasers of goods, wares or merchandise and which said stamps, certificates or devices, or substitute therefor, the person issuing or selling the same agrees to accept in payment for goods, wares, and merchandise kept on hand by himself or another for redemption or for distribution by the

person issuing or selling such stamps or certificates, shall pay to the State of Alabama a privilege or license tax of one thousand dollars per annum. Provided further that the provisions of this Act shall not apply to any coupon, ticket, certificate, card or other similar device issued or distributed by a manufacturer or packer which is redeemable for any goods, wares or merchandise by the manufacturer or packer, or its agents or independent contractor acting for redemption.

Approved September 9, 1955.

Time: 9:37 A.M.

Act No. 400

H. 975—Brown (Lamar)

AN ACT

To fix the salary of the deputy solicitor of Lamar County, and to prescribe the method of payment of such salary.

Be It Enacted by the Legislature of Alabama:

Section 1. The deputy solicitor of Lamar County shall receive a salary of two thousand four hundred dollars (\$2,400) a year, payable in equal monthly installments out of the treasury of the county on warrants drawn by the judge of probate of Lamar County.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 9:38 A.M.

Act No. 401

H. 976—Brown (Lamar)

AN ACT

To regulate the meetings of the county board of education of Lamar County.

Be It Enacted by the Legislature of Alabama:

Section 1. The county board of education of Lamar County shall hold forty-eight (48) regular weekly meetings during each year, at such times and places as the board may prescribe. The board may also hold special meetings on the call of the chairman or any two members of board. The members of the county board of education of Lamar County shall receive from the public

school funds of the county seven dollars and fifty cents a day and their actual traveling and hotel expenses incurred in attending meetings of the board and transacting the business of the board. The members of the board shall not be allowed pay for more than 48 days in any one year, and their expenses shall be paid in like manner as provided for the compensation of teachers.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 9:40 A.M.

Act N. 402

H. 470—Dawkins, Hawkins, McKay, Johnson (Elmore), Payne, Dement, Meeks, Martin, Brewer, Haltom, Adams, Hall, Lackey, Grouby, Nice, Stenbridge, Law, Edwards (Escambia), Ferrell, Hardy, McNider, Kendall, Holliman, Vacca, Ashworth, Steagall, Brown (Lamar), Goodwyn, Shumate, Selman, McClendon (Chambers) Brassell, Hare, deGraffenried, Callahan, Ramey, Roberts, Gist, Oden, Hunt, McLendon, Huddleston, Thomas, Cornett, Brannan, Burkhalter, Lee (Barbour), Solomon, Oakley, Locke (Choctaw), Richardson, Gilchrist, Harvey, Locke (Perry), Speaks, Stokes, Franklin, Mathison, Love, Money, Reynolds, Lee (Lawrence), Gregory, Bradford, Nolen, Boyd, Kirkham, Taylor, Brooks, Hain, Davis

AN ACT

To provide further for the construction, maintenance, and operation of trade schools.

Be It Enacted by the Legislature of Alabama:

Section 1. The State Board of Education is hereby authorized, empowered, and directed to establish and provide for the construction of three new vocational trade schools in this State in addition to the trade schools heretofore provided by law, to

be located at such places as will make such schools conveniently accessible to all areas of Alabama. The cost of constructing such schools shall be paid out of proceeds realized from any bonds issued and sold by the State Board of Education or any other authority of this State for the purpose of financing the construction of public school buildings, or from any other funds made available for the construction of trade schools. The first seven hundred and fifty thousand dollars made available for expenditure on trade schools through the issuance and sale of bonds shall be allocated to the State Board of Education for the purpose of acquiring land, constructing buildings, reconstructing, altering, and improving existing buildings and building facilities, including the renewal and replacement of structural parts, and for the procurement of equipment for the buildings so constructed, reconstructed, or improved at the Decatur Trade School.

Section 2. The new trade schools to be constructed and established pursuant to this Act shall be maintained and operated in accordance with the provisions of Act No. 673, H. 2, approved October 9, 1947 (General Acts of Alabama, 1947, p. 515), and all amendments thereto.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 9:41 A.M.

Act No. 403

H. 955—Speaks

AN ACT

To establish a County Court for Chilton County, Alabama; to define its jurisdiction and power; to provide for its officers and appointment, election, terms of office, powers, duties and compensation; to provide for a court reporter for said court and to fix and prescribe his duties and compensation and to provide for the payment of his salary; to provide that said Court shall be open at all times for the trial of causes and the transaction of business; to provide the rules and procedure of said Court; to provide a fine and forfeiture fund of said Court; to provide for the transfer of certain causes now or hereafter pending in the Circuit Court, County Court, Probate Court and the Juvenile Court of Chilton County, Alabama; and to give the said Court juvenile and domestic jurisdiction; and to abolish the Chilton County Law and Equity Court of Chilton County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby established in and for Chilton County, Alabama an Inferior Court of Law, both civil and criminal, and of Equity, which shall be called County Court of Chilton County, Alabama, and which shall be a court of record, and

which shall have and exercise concurrent jurisdiction now conferred, or which may hereafter be conferred, upon the several Circuit Courts of the State, provided that the said County Court shall not have jurisdiction to try a person charged with felonies and provided further that said court's civil jurisdiction on the law side of said court shall not exceed the sum of \$500.00, exclusive of the interest and cost; and said court shall have concurrent jurisdiction with Justices of the Peace of Chilton County in all matters whatsoever; and shall also have and exercise such further jurisdiction, authority, functions and powers as are hereinafter conferred upon it by this Act.

Section 2. That Honorable J. B. Atkinson, who was appointed to the office of the Judge of the Chilton County Law and Equity Court and who is now serving as Judge of said Court shall hold office as Judge of County Court of Chilton County, Alabama until the second Tuesday after the first Monday in January 1957 and until his successor shall be elected and qualified. A judge of said Court shall be elected by the qualified electors of Chilton County, Alabama, at the general election to be held in 1956, and each four years thereafter, and the term of the judge of said Court shall commence on the second Tuesday after the first Monday in January following his election, and shall continue for a period of four years and until his successor shall be elected and qualified. The judge of said Court, before entering upon the duties of said office, shall take the oath required by law to be taken by judges of the Circuit Courts of Alabama. The said judge shall be a qualified elector of Chilton County, Alabama, shall be learned in the law, and shall be a member of the Alabama Bar in good standing, and shall be not less than twenty-five years of age. The said judge shall devote his entire time to the duties of his office, and shall be barred from the practice of law during his term of office. Said judge may be removed from office in the manner and for the causes now provided by law for the removal of Circuit Judges.

Section 3. Vacancies in the office of the judge of said court shall be filled by appointment by the Governor, and the person so appointed shall hold office as required by the Constitution and law of this State.

Section 4. That the clerk of the Circuit Court of Chilton County, Alabama, shall be ex-officio clerk of the County Court of Chilton County, Alabama and shall have the same powers and discharge the same duties as clerks of the Circuit Courts, and shall be subject to the same pains and penalties with regard to the duties of the office, and shall be entitled to the same fees, commissions and emoluments as are now, or as may hereafter be, allowed to Circuit Clerks of Alabama, except as hereinafter provided, and the same shall be collected as such fees and com-

missions are collected in the Circuit Courts; except that in civil matters where suit is brought for \$100.00 or less only the fees and commissions allowed by law to Justices of the Peace shall be collected; and said clerk shall exercise the same powers and perform the same duties as are exercised and performed in the Circuit Court. That the Register of the Circuit Court in Equity shall be ex-officio Register of the County Court of Chilton County and shall have the powers and discharge the duties which shall devolve upon the Register of the County Court of Chilton County and shall be subject to the same pains and penalties with regard to the duties of the office and shall be entitled to the same fees and commissions as are now, or as may hereafter be, allowed to the Register of Circuit Courts in Equity and the same shall be collected as such fees are collected in Circuit Courts.

Section 5. That the judge of said Court shall receive a salary of \$4800.00 per annum, payable in equal monthly installments out of the county treasury at the end of each month, his signed receipt being required.

Section 6. That Honorable Lawrence F. Gerald, County Solicitor of Chilton County, Alabama, who was elected to said office at the general election held in 1954, shall be the Solicitor of the County Court of Chilton County, during the term of office for which he was elected at said election, and thereafter the duly elected County or Deputy Solicitor of Chilton County, Alabama, shall be the solicitor of the said County Court of Chilton County and all solicitor's fees taxed and collected in said court shall be paid into the county treasury of Chilton County for the benefit of the general fund of said county.

It shall be the duty of said Solicitor to prosecute all criminal causes pending in said Court.

Section 7. That the said County Court of Chilton County shall be held at the court house of Chilton County, Alabama, and that said court shall be open at all times for the trial of cases and transactions of business. In case of sickness or disqualification of the judge of said court, the law applicable to the appointment and service of special judges in the Circuit Court shall apply, and the special judge appointed shall receive for his services the same pay that special Circuit Judges receive for their services and the same to be paid out of the General Funds of Chilton County, Alabama on the certificate of the Clerk or the Register making the appointment. The Judge of said Court shall be subject to the same penalties for failure to attend upon the Court as are Circuit Judges of this State. The Judge of said Court shall keep an office in the court house of Chilton County, Alabama, or at such other suitable place as may be provided by the Board of Revenue and Control of Chilton County, and it shall be the duty of the Board of Revenue and Control

of Chilton County to provide such office and supply the same with all furnishings, fixtures, stationery, telephone and other supplies necessary to enable the judge of said court to efficiently conduct the affairs of his office.

Section 8. A session of said court for the trial of criminal cases shall be held on the first Monday of each month and at such other times as the Judge of said Court may order, and a session for the trial of civil cases shall be held on the second Monday of each month, and a session for the trial of equity cases shall be held on the third Monday of each month. Provided, however, that the court shall have the right and power to call extraordinary sessions of said court whenever in the judgment of the court the same is necessary.

Section 9. Any party feeling aggrieved from the judgment of said Court rendered in any civil cause, may appeal from said judgment to the Circuit Court of Chilton County, Alabama, by giving security for the costs, the same to be approved by the Clerk of Judge of said County Court of Chilton County or if the party desiring to appeal, wishes to supersede the judgment of said court, then he may give security for cost, and a supersedeas bond in double the amount of the judgment, to be approved by the judge or clerk of said court. All appeals from judgments in civil causes in said court shall be taken to the Circuit Court within thirty days after the rendition of the judgment, and all appeals taken from said court shall be tried de novo in the Circuit Court in any case appealed from said court to the Circuit Court. The appellant, within ten days, after the perfection of his appeal and the appellee, within ten days after notice of appeal is served on him, may have the issues of fact tried by a jury in the Circuit Court by filing with the Clerk of the Circuit Court a written demand for a trial of said cause by a jury.

Section 10. In all criminal cases of conviction in said County Court of Chilton County the defendant shall have the right of appeal to the Circuit Court of Chilton County, on entering into bond, with sufficient surety, to appear at the term of the Court to which the appeal is taken, and from term to term until discharged; the bond to be in such penalty as the Judge of the said County Court of Chilton County may prescribe, and to be approved by the Judge or Clerk of said court. If the defendant does not make the bond required he shall remain in custody and said defendant may, within ten days after taking said appeal, demand in said Circuit Court a trial by jury; otherwise, said case shall be tried by the Court without a jury.

Section 11. That the Supreme Court and Court of Appeals of this state shall have appellate and supervisory jurisdiction over said court and the judge thereof, which may be exercised in the same manner as such jurisdiction may be exercised over

the Circuit Courts of the State, and the judge thereof, and appeals may be taken from the order and judgments of said court while sitting as a Court of Equity to the Supreme Court and Court of Appeals in the same manner, and within the same time, as appeals are now taken from the orders and judgments of the Circuit Courts of the State, (except as herein provided for appeals to the Circuit Court). The same rules, regulations and laws applicable to appeals from the Circuit Court in Equity, to the Supreme Court or Court of Appeals shall govern appeals in all Equity cases from the County Court of Chilton County to the Supreme Court or Court of Appeals, unless otherwise provided in this Act.

Section 12. That there shall not be any jury trials in the County Court of Chilton County in the trial of civil and criminal cases but the Judge of said Court shall have the authority and power in all equity cases to draw and empanel petit juries for the trial of the issues of fact of all equity cases in which the parties are entitled by law to a trial by jury, as provided by Title 7, Section 322, 1940 Code of Alabama. In the trial of any such equity case by a jury, Sections 323, 324, 325 and 326, Title 7, 1940 Code of Alabama, shall govern the Court in the trial, summoning and paying of the jurors.

Section 13. All cases in equity, now or hereafter pending in the Circuit Court of Chilton County, Alabama, may be, by agreement of the parties thereto, transferred from the said Circuit Court to County Court of Chilton County, in Equity.

Section 14. That the procedure, practice and rules governing the Circuit Courts of Alabama now, or which hereafter may be adopted, shall in all things apply to and govern the procedure and practice of the County Court of Chilton County except as otherwise provided herein.

Section 15. The Sheriff of Chilton County shall, in person or by a deputy, or deputies appointed by him, said appointment to be approved by the judge of said court, be required to attend upon said court in preserving order, and execute all writs of process and perform such other duties, in all respects as in the Circuit Court of this State, and each deputy required, not exceeding three, for attendance upon said session of said court, shall receive the sum of \$3.00 per day, payable out of the county treasury upon the warrant of the judge of said court, provided that such deputies shall not receive pay except for the time that the Court is actually in session and none of such compensation to the deputies shall be shared in by the Sheriff, and for the service by the sheriff of the process of said court, he shall receive such compensation as he receives under the law of the State of Alabama or any laws enacted in the future by the Legislature of

Alabama for the compensation of the sheriff for similar services in the Circuit Court, except as herein otherwise provided.

Section 16. That if, for any reason, forfeiture be taken on any bond on the criminal side of said Court, the court may order the alias capias returnable instanter or within ten days, and unless the party or parties against whom the forfeiture is taken shall appear and show cause, when the forfeiture is returnable, why the forfeiture should be set aside, then the court is hereby authorized and empowered to make the judgment final.

Section 17. That the judge of the County Court of Chilton County shall adopt a seal for the law side of the docket of the County Court of Chilton County which shall be kept in the custody and control of the clerk of the court.

Section 18. That the judge of the County Court of Chilton County shall adopt a seal for the equity side of the docket of the County Court of Chilton County which shall be kept in the custody and control of the register of the court.

Section 19. When the summons, writ of attachment, summons and complaint in attachment, or other process either in law or in equity has been executed on the defendant or service perfected on him, as required by law, the defendant shall appear and plead, answer, or demur thereto within the time now, or which hereafter may be, provided by law, in the Circuit Court; provided, however, that in all causes over which the Justices of the Peace Courts have, or hereafter may have, concurrent jurisdiction with the County Court of Chilton County, the defendant shall appear, and plead, answer or demur thereto within fifteen days from the time of service of process upon such defendant in said cause. Judgments by default or decree pro confesso may be rendered or set aside in the manner now, or which hereafter may be, provided by law.

Section 20. That said County Court of Chilton County shall have exclusive jurisdiction over children and the judge of said County Court of Chilton County shall be the Judge of the Juvenile Court; it being the intention to confer complete, full, unlimited and exclusive jurisdiction upon the County Court of Chilton County of all juvenile matters and juvenile jurisdiction in Chilton County, Alabama, as now provided under Title 13, Chapter 7, Sections 350 to 383, both inclusive, of the Code of Alabama of 1940, or as hereafter amended, and appeals in such cases shall be provided by law. The Clerk of the Circuit Court is hereby made the Clerk of such Juvenile Court.

Section 21. That this Court shall have exclusive and original jurisdiction of all cases arising under Title 34, Article 3, Sections 89 to 104, both inclusive, of the Code of Alabama of

1940, or as hereafter amended, which Article 3 is entitled Desertion and Non-Support. That the trial of such cases shall be by the Court without a jury and appeals in such cases shall be as provided by law. That the Judge of said County Court of Chilton County shall be the Judge of the Domestic Relations Court, it being the intention to confer complete, full, unlimited and exclusive jurisdiction upon the County Court of Chilton County of all domestic relations matters arising under Title 34, Article 3, Sections 89 to 104, both inclusive, of the Code of Alabama of 1940, as amended or as hereafter may be amended.

Section 22. Prosecutions for misdemeanors committed in Chilton County may be instituted in the said court by making an affidavit before the judge of said court or the clerk, with the approval of the county solicitor, the writ on said affidavit to be issued by the judge or clerk of said court, and when the defendant is arrested on said affidavit and warrant, the case shall go on the docket for trial, and be tried as though the defendant has been indicted by a grand jury, provided, however, that the affidavit or complaint may be amended, as now provided for amendment of such papers by Section 347, Title 13, of the Code of Alabama of 1940. All affidavits or warrants for criminal or quasi criminal acts, of whatever kind issued by the Justices of Peace of Chilton County shall be returnable to this Court.

Section 23. The Judge of said Court shall have power to issue search warrants, writs of habeas corpus, prohibition, certiorari, quo warranto, injunctions and all other special and extraordinary writs, and the procedure, practice and rules of the Circuit Courts of Alabama relating to such writs as are now, or which hereafter may be provided by law, except as otherwise provided in this Act, shall prevail in the County Court of Chilton County, and the Judge thereof shall have the same powers and authority, including punishment for contempt as is or hereafter may be conferred upon the judges of the Circuit Courts of Alabama, unless otherwise provided in this Act.

The Judge of the County Court of Chilton County shall have the authority and power to appoint a competent shorthand reporter to attend the terms of the Court and report in shorthand all cases tried in said Court and said shorthand reporter shall be paid out of the General Fund of Chilton County, Alabama a salary of \$200.00 per month payable at the end of each month on a certificate and order of the Judge of said Court. The judge of said Court may remove the shorthand reporter, at his will, without assigning any cause for his action in doing so. The shorthand reporter when not actively engaged in the work of the court as reporter, shall serve as secretary to the Judge of said Court, in his office. In addition to the compensation herein

provided, said reporter shall be entitled to tax and collect from the litigants or their attorneys for whom he or she is making a transcript of the evidence, the sum of ten cents per hundred words for said transcript and five cents per hundred words for each copy thereof, and when such transcript is made the reporter shall append thereto his or her certificate to the correctness of the same as such official reporter. The stenographer's notes shall be preserved and filed as now provided by law in the Circuit Court.

Section 24. That from and after the passage of this Act all fines and forfeitures assessed and collected in said court shall be deposited in the Fine and Forfeiture Fund of Chilton County, Alabama.

Section 25. That claims accruing in the County Court of Chilton County will be claims against said fund, and such claims must be paid in the order in which they are registered, as provided by law.

Section 26. It shall be the duty of the clerk of said Court to keep a record upon which shall be recorded all affidavits made before the judge or clerk of said court, or returnable by a justice of the peace or judge of an inferior court in said county, to said court and if any of said affidavits should be lost or destroyed, a certified copy of the said record shall be used the same as the original affidavit and for recording each of said affidavits, the clerk shall receive a fee of seventy-five cents to be taxed as costs in case of the defendant's conviction.

Section 27. Judgments or decrees rendered by the County Court of Chilton County shall be a lien on the property of the judgment debtor which is subject to levy and sale under execution in the same manner and for the same period of time as is now, or as hereafter may be, provided by law for courts of record of this state upon the filing in the office of a Judge of Probate of a certificate of the said judgment or decree issued by the Clerk or Register of the said court as it now, or as hereafter may be, provided by law; and the said judgment or decree may be revived in the manner now, or as hereafter may be, provided by law.

Section 28. The venue of any case in the said County Court of Chilton County may be changed to other counties as it is now, or as it hereafter may be, provided by law for the several Circuit Courts of like jurisdiction.

Section 29. That final judgments rendered in said court shall, after the expiration of thirty days from their rendition, be taken and deemed to have passed beyond the control of said court, as if the term of court at which judgments were rendered had ended, provided, however, that nothing herein contained

shall prevent the parties applying for a new trial or rehearing within thirty days or change or destroy the office of motion for new trials or rehearings, when so made, or shall prevent parties from applying to the court for rehearing under statutes authorizing applications for rehearing in the Circuit Court.

Section 30. That there shall be taxed against the defendant on conviction the same solicitor's fee and the same shall be collected in the way provided by law for taxing and collecting solicitor's fees in the Circuit Court, and when collected shall be paid into the treasury of Chilton County, Alabama.

Section 31. That the Chilton County Law and Equity Court of Chilton County, Alabama, is hereby abolished, and from and after the passage of this Act shall no longer exist, and no officers of this state shall collect any fees or salaries because of said court, or for service rendered in said court, and all cases pending in the Chilton County Law and Equity Court of Chilton County, Alabama, when this Act becomes a law, shall immediately become pending upon the docket of the County Court of Chilton County, as though originally brought in said Court, and shall be called for trial on the first Monday in the month, following the approval of this Act.

Section 32. That a trial tax of three dollars (\$3.00) shall be imposed in each case, civil, criminal and equity, which is docketed in said County Court of Chilton County, to be taxed and collected as other costs, and when collected, to be paid by the Clerk or Register of said County Court of Chilton County, into the general funds of the county as other costs, provided, however, that in civil cases at law where the amount involved is Fifty Dollars or less, a trial tax fee of only \$1.00 shall be imposed and collected, provided further that in all criminal cases where the defendant is charged with violating any of the provisions of Title 36 of the 1940 Code of Alabama and pleads guilty, no trial tax shall be imposed or collected.

Section 33. Witnesses summoned and attending the County Court of Chilton County shall be entitled to the same per diem and mileage as are paid witnesses in the Circuit Court of Chilton County, Alabama.

Section 34. That the Ex-Officio Clerk of the County Court shall receive as ex-officio fees for ex-officio duties performed as Clerk of the County Court of Chilton County the same amount which he is paid by the Circuit Court as provided by Title 11, Section 4, 1940 Code of Alabama, as amended. Such sum to be paid in twelve monthly installments out of the General Fund of Chilton County, Alabama.

Section 35. That the Clerk and Register, with the approval of the Judge of said Court, are hereby authorized and required

to purchase all necessary furnishings, records, stationery and supplies for the equipment and maintenance of said court, and the same shall be paid out of the county treasury upon warrants drawn by the Judge and signed by the clerk.

Section 36. That if, for any reason, any section, provision or clause of this Act shall be held to be unconstitutional or invalid, that fact shall not destroy the constitutionality of this Act except as to that clause or section.

Section 37. That all laws in conflict with this Act are hereby repealed.

Section 38. That this Act shall become effective immediately upon its passage and approval by the Governor.

Approved September 9, 1955.

Time: 9:43 A.M.

Act No. 404

H. 956—Speaks

AN ACT

Relating to Chilton County: To provide that the board of revenue, court of county commissioners, or like governing body of the county, or other public body having general jurisdiction of the county road system, shall be authorized and empowered to use or to authorize the use of county machinery, equipment, and property in the clearing and grading of building sites for new industries to be located within the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue, court of county commissioners, or like governing body of Chilton County, or any other public body having general jurisdiction of the county road system, shall have the power and authority to use or to authorize the use of the machinery, equipment, or other property of the county to clear and grade building sites for any new industries proposing to locate within the county.

Section 2. Should any provision of this Act or the application thereof to any circumstance be held invalid, such invalidity shall extend only to such provision or application and shall not affect the validity of any other provision or the applicability to other circumstances.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 9:45 A.M.

Act No. 405

H. 957—Davis

AN ACT

To Extend and Enlarge the Boundaries of the Corporate Limits of the City of Cullman, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Corporate Limits of the City of Cullman, Alabama be, and the same are hereby, extended so as to include the following described real estate:

Beginning at a point on the present corporate limits of the City of Cullman where the Dripping Springs Road intersects the West Line of Section 9, Township 10, Range 3, West, thence North along the said Section line to the Southwest corner of the Northwest quarter of the Northwest quarter, Section 9, Township 10, Range 3, West; thence East along the South line of the North-half of the Northwest quarter of said Section 9 to the Southeast corner of the Northeast quarter of the Northwest quarter of Section 9, Township 10, Range 3, West; thence North along the East line of the Northeast quarter of the Northwest quarter to the Northeast corner of the Northeast quarter of the Northwest quarter of Section 9, Township 10, Range 3, thence West along the Section line to the Southwest corner of Section 4, Township 10, Range 3, West; thence North along the Section line to the Southwest corner of the Northwest quarter of the Northwest quarter of Section 4, Township 10, Range 3, West; thence East along the Section line of the North-half of the North-half of Section 4, Township 10, Range 3, West to the center line of U.S. Highway 31; thence Southwardly along the center line of U.S. Highway 31 to a point 161 feet South of the point where the South line of the Northwest quarter of the Southeast quarter of Section 4 intersects the center line of U.S. Highway 31; thence East and parallel with the South line of the Northwest quarter of the Southeast quarter of Section 4, Township 10, Range 3, West to the West boundary line of the L & N Railroad Right-of-Way; thence Southwardly along the West boundary line of the L & N Railroad Right-of-Way to the present corporate limits; thence along the present corporate limits of the City of Cullman to the point of beginning.

Section 2. That all laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby, repealed.

Section 3. This Act shall take effect upon approval of the Governor.

Approved September 9, 1955.
Time: 9:47 A.M.

Act No. 406

H. 342—Albea

AN ACT

To amend Section 2 of Act No. 279, approved August 5, 1953, Acts of Alabama, 1953, entitled, "An Act Relating to Counties having a population of not less than 73,000 nor more than 93,000 inhabitants; providing that witness certificates obtained as a State's witness before the grand jury or a court in which a criminal prosecution is pending shall be paid immediately upon presentation for payment."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 279 approved August 5, 1953, Acts of Alabama, 1953, entitled, "An Act Relating to Counties having a population of not less than 73,000 nor more than 93,000 inhabitants; providing that witness certificates obtained as a State's witness before the grand jury or a court in which a criminal prosecution is pending shall be paid immediately upon presentation for payment," is amended to read as follows:

"Section 2. When any person is subpoenaed as a State's witness before the grand jury, or before any court in which a criminal prosecution is pending, and procures a certificate of his attendance signed by the foreman of the grand jury or the clerk of the court, the certificate shall be paid out of the general fund of the county immediately upon its presentation by the witness for payment. Provided, that nothing in this section shall be interpreted as preventing these costs from being taxed against the defendant or imposed upon the prosecutor as otherwise provided by law."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 9:49 A.M.

Act No. 407

H. 53—Dement

AN ACT

Relating to the election of the municipal governing body in any city, governed by a mayor and council and having a population of not less than 6,125 nor more than 6,725 inhabitants, in which the qualified voters approve the adoption of the provisions of this Act at a referendum election held pursuant to this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. In any city in this State governed by a mayor and council and having not less than 6,125 nor more than 6,725

inhabitants, according to the last or any subsequent federal decennial census, a majority of the votes cast at an election for mayor and members of the city council shall be a prerequisite to election to these respective offices whenever there are more than two candidates for the same office.

Section 2. The council of such city, when it canvasses the returns from a regular election in which there were more than two candidates for the office of mayor or in which there were more than two candidates for member of the council from the same ward, shall declare a candidate for either of these offices elected, and shall issue to him a certificate of election only if he received a majority of the votes cast at such election for such office. If it appears from a canvass of the returns that no candidate for mayor received a majority of the votes cast, or that no candidate for member of the council from each of the wards, respectively, received a majority of the votes for the office for which he was a candidate, the council shall certify this fact, and shall order a second or run-off election to be held, not later than seven days thereafter, for the election of a mayor and members of the council from the wards for which no member was elected in the first or regular election. The two candidates receiving the largest number of votes in the first or regular election for the respective offices to be filled shall be candidates in the run-off election. In the event one of these candidates withdraws from the race no second or run-off election shall be held for that office, and the remaining candidate shall receive a certificate of election signed by the council of the city, or a majority of them.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. (a) This Act shall not become effective in any City until approved by the qualified electors residing therein at a referendum election to be held not more than ninety (90) days after the date of this enactment. The council of the city shall determine the date upon which this referendum election shall be held, and the mayor shall issue a proclamation setting the time of holding the election and stating the proposition to be submitted to the electors. The proclamation shall be published one time at least ten (10) days prior to the election in a newspaper published in the city, or if no newspaper is published therein the notice shall be posted at the post-office in such city and two other public places therein.

(b) On the ballots to be used at the election, the proposition shall be stated substantially as follows: "Shall the town of adopt the provisions of Act No. of the 1955 Legislature, approved the day of, 1955? Yes () No ()."

(c) If a majority of the votes cast at the election shall be "Yes," the provisions of this Act shall be adopted by such city and shall apply to and govern the next regular election of the mayor and members of the council held after the approval of this Act by the electors of a city and all such elections thereafter. If a majority shall be "No," the Act shall have no effect.

Approved September 9, 1955.

Time 9:50 A.M.

Act No. 408

H. 931—Boyd, Stokes, Bassett

AN ACT

To amend Section 1 of Act No. 131, S. 9, approved July 12, 1955, regulating the compensation of certain circuit judges.

Be It Enacted by the Legislature of Alabama:

Section 1 of Act No. 131, S. 9, approved July 12, 1955, entitled, "An Act to regulate further the compensation of the judges of the circuit courts in all circuits composed of two counties when the judge is required by law to hold at least two terms of court at two different places in at least one of such counties during any one year; providing for a supplement to the salary of the judge payable by the counties composing the circuit," is amended to read as follows:

"The salary of the judges of the circuit court in all circuits composed of two counties, except the Twelfth Judicial Circuit, shall be supplemented by the counties composing the circuit when the judge is required by law to hold at least two terms of such court at two different places in any one county during any one year. Such supplement shall be in the sum of fifteen hundred dollars (\$1,500) per annum, and shall be payable by the counties composing the circuit, share and share alike, in equal monthly installments, on requisitions of the judge."

Approved September 9, 1955.

Time: 10:00 A.M.

Act No. 409

H. 809—Stokes

AN ACT

Relating to counties having a population of not less than 30,700 nor more than 31,400 inhabitants according to the last or any subsequent

decennial census of the United States, and having two court houses and a court of county commissioners; providing for the furnishing of equipment, supplies, and additional clerks to the tax assessor and the tax collector in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only to counties having a population of not less than 30,700 nor more than 31,400 inhabitants, according to the last or any subsequent decennial census of the United States, and having two court houses and a court of county commissioners.

Section 2. The court of county commissioners of every county to which this Act applies is hereby authorized to provide equipment, supplies, and a clerk or clerks to the tax assessor and the tax collector of the county; but the tax assessor and the tax collector shall select, and fix the compensation of, such clerk or clerks for their respective offices; provided, however, that the combined expense of such equipment, supplies, and clerk or clerks shall not exceed one thousand eight hundred dollars (\$1,800) per annum for each of such offices. The tax assessor and the tax collector shall each have the right to discharge at will the clerk or clerks employed under the provisions of this Act, as such clerk or clerks shall serve only at the pleasure of the officer appointing them. The salaries or compensation of such clerk or clerks shall be paid in equal monthly installments out of the general funds of the county, upon separate warrants drawn in the same manner as other employees of the county are paid.

Section 3. This Act shall be deemed to have been enacted to grant continual clerk hire for the office or offices of the tax assessor and the tax collector in any branch court house and for other purposes necessary to the efficient operation of such office or offices. The clerk or clerks authorized herein shall be in lieu of the deputy or clerk provided for by Act No. 948, H. 1017, approved September 12, 1951 (Acts of Alabama, Regular Session, 1951, p. 1618).

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.
Time: 10:02 A.M.

AN ACT

To authorize the governing body of any and every municipality in any county in this state which county may now or hereafter have a population of 400,000 or more inhabitants according to the last or any subsequent decennial census of the United States to adopt and provide by ordinance for the maintenance of a comprehensive zone map or maps of such municipality, and its Police Jurisdiction over which it exercises zoning jurisdiction, and to make such zoning map or maps a part of any ordinance by reference thereto in such ordinance without publication of such zone map or maps in any newspaper.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of any and every municipality in any county in this state which county may now or hereafter have a population of 400,000 or more inhabitants according to the last or any subsequent decennial census of the United States is hereby authorized and empowered to adopt and provide by ordinance for the maintenance in a designated office in such municipality of a comprehensive zone map or maps of such municipality, and its police jurisdiction over which it exercises zoning jurisdiction under the provisions of Act No. 564 of the 1947 Session of the Legislature of Alabama—(General Acts of 1947, page 401), open for inspection by the public at all reasonable times, and may make such zone map or maps a part of any ordinance by reference thereto in such ordinance and without publication of such zone map or maps in any newspaper. Such zone map or maps need not be in one piece but may for convenience be in sections.

Section 2. This Act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.

Approved September 9, 1955.

Time: 10:05 A.M.

Act No. 411

H. 883—Meeks, Perry, Vacca, Edwards (Jefferson), Nice, Lackey

AN ACT

To authorize service of certain notices, subpoenas, citations and other writings by certified mail in lieu of service thereof by registered mail. The provisions of this act shall apply in all counties having a population of 400,000 or more inhabitants according to the last or any subsequent decennial census of the United States.

Be It Enacted by the Legislature of Alabama:

Section 1. In any case or matter in which the giving or serving of any notice, subpoena, citation or other writing by registered mail is authorized or required by law such notice,

subpoena, citation or other writing may be given or served by certified mail in lieu of registered mail. The person mailing such notices, subpoenas, citations or other writings shall stipulate that the delivery thereof shall be limited to the addressee only in those instances in which the law requires such limited delivery when service is by registered mail and shall demand a "return receipt" when service is by registered mail. Whenever any statute authorizes giving or serving any notice, subpoena, citation or other writing by registered mail such statute shall be construed to authorize such giving or serving thereof also by certified mail. The provisions of this act shall apply in all counties having a population of 400,000 or more inhabitants according to the last or any subsequent decennial census of the United States.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time; 10:08 A.M.

Act No. 412

H. 887—Haltom, Broadfoot

AN ACT

Relating to Lauderdale County; providing for the payment by the county of a salary to one duly appointed deputy register of the Circuit Court of Lauderdale County which shall be fixed by the governing body of the county in an amount not to exceed a stated sum.

Be It Enacted by the Legislature of Alabama:

Section 1. One duly appointed deputy register of the circuit Court of Lauderdale County shall receive a salary which shall be fixed by the governing body of Lauderdale County in an amount not to exceed eighteen hundred dollars (\$1,800.00) per annum, payable in twelve equal monthly installments out of the Treasury of the county upon the warrant of the County governing body.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 10:10 A.M.

Act No. 413

H. 888—Broadfoot, Haltom

AN ACT

Relating to Lauderdale County; providing for the compensation of the chief deputy sheriff for Lauderdale County.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary of the chief deputy sheriff for Lauderdale County shall be fixed by the governing body of Lauderdale County in an amount not to exceed four thousand two hundred dollars (\$4,200.00) per annum, payable in twelve equal monthly installments out of the Treasury of the County upon the warrant of the county governing body.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 10:15 A. M.

Act No. 414

H. 895—Bradford, McNider

AN ACT

Relating to Clarke County; Prescribing the manner of registering and paying claims of witnesses summoned and attending on behalf of the State in criminal cases in the Inferior Court of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. Witnesses summoned and attending on behalf of the State in all criminal cases in the Inferior Court of Clarke County, created by Act No. 195, S. 572, approved July 24, 1947 (Local Acts, 1947, page 110), shall be allowed the same compensation, mileage, ferriage and toll prescribed under the general law for witnesses in such cases in county courts, but certificates shall be issued to them and their compensation paid in the manner hereinafter prescribed; provided such certificates are presented for payment within six months after issuance thereof. On failure to present such certificates within six months from their issuance claims for such witness' fees shall be forever barred.

Section 2. After the trial or continuance of a case for the term, or the discharge of the witness by the court, the clerk of the court, upon the application and on the oath of the witness, shall issue to him a certificate stating the number of days he has attended, the case in which he attended, the number of miles traveled, the necessary ferriage and toll, and the total amount due him.

Section 3. Immediately after the adjournment of the court for the term, the clerk shall certify to the county treasurer the amount of certificates issued by him during the term showing to whom issued, the case in which each witness attended, and the amount due each witness.

Section 4. It shall be the duty of the county treasurer, depository, or other custodian of county funds to pay each of said certificates on its presentation by the owner thereof within six months after the issuance thereof, and to take up and cancel each one as it is paid. The county treasurer, depository, or other custodian of county funds is authorized and directed before each term of county court to retain out of the fine and forfeiture fund of the county an amount sufficient to pay said certificates as herein provided.

Section 5. Whenever the costs in any criminal case in said court are imposed on the defendant or on the prosecutor the fees of witnesses for the state shall be taxed as costs against the person on whom they were imposed, as now provided by law; and when such witness fees are so collected they shall be paid by the officer collecting the same to the county treasurer, depository, or other custodian of county funds.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this Act are repealed.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its other wise becoming a law.

Approved September 9, 1955.

Time: 10:16 A.M.

Act No. 415

H. 896—Bradford, McNider

AN ACT

To further amend Section 7 of an Act entitled "An Act to provide for the election of a County Superintendent of Education by qualified electors of Clarke County, to fix his term of office, to designate the time of said election, the time at which he shall assume the duties of said office, to prescribe the salary of said superintendent and manner of payment thereof, to define his qualifications, powers and duties, to provide for filling vacancy in said office, to require said superintendent to give bond, to prescribe the nature and amount of said bond and how the premium on same shall be paid," approved September 23, 1932, as amended by Act approved August 6, 1947.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 7 of an Act entitled "An Act to provide for the election of a County Superintendent of Education by qualified electors of Clarke County, to fix his term of office, to designate the time of said election, the time at which he shall assume the duties of said office, to prescribe the salary of said

superintendent and manner of payment thereof, to define his qualifications, powers, and duties, to provide for filling vacancy in said office, to require said superintendent to give bond, to prescribe the nature and amount of said bond and how the premium on same shall be paid," approved September 24, 1932, and heretofore amended by Act approved August 6, 1947, be and the same is hereby further amended to read as follows:

"Section 7. The annual salary of such Superintendent of Education shall be not less than fifty-four hundred dollars (\$5,400.00), nor more than six thousand dollars (\$6,000.00), which salary shall be fixed by the County Board of Education of Clarke County, Alabama, and shall be payable in equal monthly installments. In addition to his salary, fixed as herein provided, he shall be allowed and paid the additional sum of seventy-five dollars (\$75.00) each month as constituting reimbursement for traveling expenses incurred in the performance of his duties."

Section 2. That this Act shall become effective on July 1, 1957.

Approved September 9, 1955.

Time: 10:18 A. M.

Act No. 416

H. 917—Hall, Goodwyn, Nolen, Dawkins

AN ACT

To authorize and require Boards of Revenue, Courts of County Commissioners, or other governing bodies in all counties in this State having, or which may hereafter have, a population of not less than 125,000, nor more than 225,000, according to the last, or any subsequent, federal decennial census to provide a pension or retiring allowance plan for the employees of said counties, but not for the elected officials, but providing that the term or terms of office of any elected official who has subsequently returned to the employment service of such counties shall not be included or excluded in computing the length of service of any such employee, or be considered as having interrupted the continuing employment service or status of such employee in determining his or her eligibility for a pension or retiring allowance under the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The Boards of Revenue, Courts of County Commissioners, or other governing bodies in all counties in this State having, or which may hereafter have, a population of not less than 125,000, nor more than 225,000, according to the last, or any subsequent, federal decennial census, are hereby authorized and required to provide a pension or retiring allowance plan for the employees of said counties and to allow present county employees who have heretofore been employees of such counties' school system, provided they are not included

under some other pension plan, to count such service as having been rendered continuously in their present positions; and, also allowing the county employees who serve in the Military or Naval Forces of this Country between service periods for said counties to count such service as having been rendered for said counties; and, also allowing employees who served as temporary acting officials, during the period the regularly elected officials served in the Military or Naval Forces of this Country, to count such service as having been rendered such counties as regular and continuous employees within the meaning of this Act. This Act shall not be construed or interpreted to provide a pension for elected officials, provided, however, that the terms or terms of office of any elected official who has subsequently returned to the employment service of such counties shall not be included or excluded in computing the length of service of any such employee or be considered as having interrupted the continuing employment service or status of such employee in determining his or her eligibility for a pension or retiring allowance under the provisions of this Act.

Section 2. Any such employee of such counties who shall have been in continuous service of said counties for as long as twenty consecutive years and shall have attained the age of fifty years, or who shall have been in the service of such counties for as long as twenty-four years, the last fourteen years of which have been continuous and the other ten years for which credit is sought were in not more than three periods, two of which were for terms of not less than four consecutive years and shall have attained the age of fifty years, upon making written application therefor to the Boards of Revenue, Courts of County Commissioners, or other governing bodies in such counties, or upon being retired by any means provided in this Act, shall be retired from said employment service of such counties, and upon such minimum retirement, such retired employee shall be paid, and the Boards of Revenue, Courts of County Commissioners, or other governing bodies in such counties shall order and direct the payment of such employee, monthly or otherwise as active employees are paid, during the remainder of his or her natural life, a sum equal to one-half of the highest monthly compensation paid to such employee from the funds of such counties during his or her service period, provided said payments shall not exceed One Hundred Dollars per month to any such retired employee. Any employee of such counties who has been in continuous service as long as twenty consecutive years or who shall have been in the service of such counties for as long as twenty-four years, the last fourteen years of which have been continuous but who continues to work for such counties an additional year, or number of years, before making written application for retirement, or upon being retired by any means provided in this

Act, shall be paid during the remainder of his or her natural life, a sum equal to his or her minimum retirement plus an additional two per centum of his highest monthly salary multiplied by the number of completed years of additional service — not to exceed ten additional years and not to exceed \$100.00 over and above his or her minimum service period payment; provided, however, that no person now drawing a pension by reason of any law now in existence shall be affected by this Act.

Section 3. The Boards of Revenue, Courts of County Commissioners, or other governing bodies in such counties, with or without the approval of any employing official of such counties, whether elective or appointive, may after giving thirty days notice in writing to an employee who is eligible for retirement, and after reasonable investigation, if such Boards of Revenue, Courts of County Commissioners, or other governing bodies in such counties are convinced that any such employee has become unable physically, mentally, or otherwise to perform efficiently the duties assigned to him or her, such Boards of Revenue, Courts of County Commissioners, or other governing bodies in such counties may order such employee retired as provided in Section 2 of this Act.

Section 4. Payments under this Act to retired county employees shall be made in the same manner and at the same times and from the same funds as salaries and compensation are made to regular active employees of the Department in which such employee was employed by such counties.

Section 5. Nothing included in this Act shall be considered or construed to take from the elective officers of such counties, including the Boards of Revenue, Courts of County Commissioners, or other governing bodies and their duly authorized agents, the power to dismiss from the service of such counties any of its active employees who for any cause fails or refuses to render faithful or efficient service.

Section 6. The Boards of Revenue, Courts of County Commissioners, or other governing bodies in such counties shall hear and decide all applications for pensions under this Act and the decisions on such applications shall be final and conclusive and not subject to review or reversal except by such authorities themselves.

Section 7. There shall be kept by the Clerks of the Boards of Revenue, Courts of County Commissioners, or other governing bodies in such counties a book to be known as the "Register of Retired Employees." This book shall contain a complete record of the services of said employees, together with a copy of action of the Boards of Revenue, Courts of County Commissioners, or other governing bodies in such counties in retiring

any and all employees under this Act. The retirement of any employees under the provisions of this Act shall be spread upon its minutes.

Section 8. In case of any dispute arising out of or over the provisions of this Act, or the interpretation of any of the provisions thereof, the decisions of the Boards of Revenue, Courts of County Commissioners, or other governing bodies in such counties shall be final and exclusive.

Section 9. No part of any pension paid or subject to payment under the provisions of this Act shall, before or after its payment to a beneficiary hereunder, be seized or held or be in anywise subject to garnishment or levy of execution or attachment or other process issued out of any court of this State, or of any other state so far as same may be sought to respond to the payment or satisfaction in whole or in part, of any debt, damage, demand, claim, judgment or decree against any beneficiary under said pension system, but shall be exempt therefrom; nor shall the whole or any part of any such pension, or the right thereto, be assigned, and any assignment thereof shall be void and unenforceable.

Section 10. Any and all laws or parts of laws in conflict herewith are expressly repealed. If any part or parts of this Act shall be declared unconstitutional, it shall not affect the remaining part or parts of this Act.

Section 11. This Act shall take effect on its passage and approval by the Governor or otherwise becoming a law.

Approved September 9, 1955.

Time: 10:21 A.M.

Act No. 417

H. 919—Pruitt, Harvey

AN ACT

Relating to Sumter County: To amend further Act No. 261, H. 571, approved August 6, 1947 (Local Acts of Alabama, 1947, page 187), which created the Board of Commissioners of Sumter County.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 8 and 9 of Act No. 261, H. 571, approved August 6, 1947 (Local Acts of Alabama, 1947, page 187), entitled "An Act Relating to Sumter County; creating a Board of Commissioners of Sumter County in lieu of the Board of Revenue, which is hereby abolished; prescribing the election, terms of office, qualifications, and powers of the members of the Board of Commissioners; defining and regulating the jurisdiction, powers, and duties of the Board of Commissioners in general and in respect to the construction and

maintenance of roads and bridges; and the acquisition of personal property," as amended by Act No. 242, H. 381, approved July 19, 1951 (Acts of Alabama, 1951, page 516), are hereby further amended to read as follows:

"Section 8. COUNTY ENGINEER. The Board of Commissioners shall appoint a county engineer in accordance with Title 12, Section 67 of the 1940 Code. The engineer shall serve at the will and pleasure of the board and shall be paid not less than three thousand dollars (\$3,000) nor more than eight thousand dollars (\$8,000) per year. Subject to general supervision and control by the Board of Commissioners, the engineer shall have charge of the construction and maintenance of all county roads and bridges. The county engineer shall have the power, and it shall be his duty to: (1) employ, supervise, and fix the compensation for such workmen, laborers, and overseers as are necessary to construct, repair, and maintain the roads and bridges of the county; (2) supervise and control the location, placement, use, operation, and disposition of all road-and-bridge materials, supplies, tools, machinery, and equipment; (3) make recommendations concerning the location and extent of road-and-bridge construction and maintenance projects; (4) perform such engineering and surveying services as may be required by the Board of Commissioners; (5) maintain adequate accounting records; (6) perform such other duties as may be necessary in the operation of the county highway system. The county engineer shall utilize the road equipment, materials, and labor force in accordance with the needs of the entire county for road construction and maintenance, without regard to any district boundaries.

"Section 9. PURCHASING AGENT. Subject to the supervision, regulation and control of the Board of Commissioners of Sumter County, and any rules and regulations which they may see fit to promulgate from time to time in the exercise of said authority, the County Engineer of Sumter County, shall also be the Purchasing Agent of Sumter County, with the authority to purchase, trade in, exchange, barter, lease, and sell any supplies, equipment, materials, and services, which Sumter County or the Board of Commissioners of Sumter County, may have authority under the law, to purchase and pay for with county funds, and use themselves in the operations of county affairs, the construction, maintenance and operation of roads, bridges, ferries and building, or authority under the law to furnish to County Officers, Departments and Agencies.

"Under the aforementioned authority of the Board of Commissioners of Sumter County, the County Purchasing Agent shall have the authority; To establish standard specifications for supplies, equipment and material needed by the County or the above mentioned officers, departments and agencies. To

operate a central storeroom. To require the aforementioned officers, departments and agencies to submit estimates of their requirements, and to make written, signed requisition for the supplies needed by them. To negotiate for the purchase and acquisition of all supplies, equipment, materials and contractual services needed by the county, and said officers, departments and agencies. To promulgate reasonable rules and regulations governing the acquisition of supplies, materials and equipment, or the disposal of surplus or obsolete personal property of the county.

"The County Purchasing Agent shall solicit at least three written competitive bids for all purchases of supplies, materials, equipment, and contractual services, when the amount involved is one hundred dollars and more. After approval of the purchase by the Chairman of the Board of Commissioners, or any member of the Board designated by the Board, the Purchasing Agent may purchase items costing one hundred dollars or more, after soliciting three bids verbally, or by telephone, telegraph or letter. The provisions regarding three competitive bids may be waived by the Board, its chairman, or other member designated by the Board, for the purchase of specialized services, or items which are not generally rendered or handled by merchants or supply houses."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 10:23 A.M.

Act No. 418

H 927—Dement

AN ACT

To alter and extend the boundary lines of the City of Athens, Alabama, so as to include within the corporate limits of said City certain territory not already included therein and located in Limestone County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Athens, in the County of Limestone, and State of Alabama, be and the same are hereby altered and extended so as to include within the corporate limits of said City all the following described additional territory lying within the County of Limestone and not presently included in the boundaries of said City, to-wit:

All that part of the Southwest Quarter of the Southeast Quarter of Section 8, Township 3 South, Range 4 West which lies West of the right of way of the Louisville and Nashville

Railroad and South of the existing corporate limit line running East and West across the North part of said quarter-quarter section, the part therein described being more fully designated as beginning at the Southwest corner of the Southeast quarter of said Section 8 and running North along Houston Street 780 feet to the present corporate limit line; thence east along said corporate limit line 1124 feet to the right of way of the said Louisville and Nashville Railroad; thence South along said railroad right of way 780 feet to the South boundary of said Section 8, thence West with Section line 1124 feet to the point of beginning.

Section 2. That all laws or parts of laws that conflict herewith are hereby repealed to the extent of such conflict.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 10:25 A.M.

Act No. 419

H. 928—Dement

AN ACT

To alter and extend the boundary lines of the City of Athens, Alabama, so as to include within the corporate limits of said City certain territory not already included therein and located in Limestone County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Athens, in the County of Limestone, and State of Alabama, be and the same are hereby altered and extended so as to include within the corporate limits of said City all the following described additional territory lying within the County of Limestone and not presently included in the boundaries of said City, to-wit:

A part of the East half of the Southwest Quarter of Section 9, Township 3 south, Range 4 West, that lies outside of the present corporate limits and is contiguous thereto, and the West Half of the southeast quarter of said Section 9, Township 3 south, Range 4 West, the whole area being more particularly described as follows: Begin at the northeast corner of the said West half of the southeast quarter of said Section 9 and in the Nick Davis Road and run thence South along the East boundary of the said West Half of the Southeast quarter of said Section 9, a distance of 2695 feet to the south boundary of said section 9; thence west along the south boundary of Section 9 a distance of 1876.5 feet; thence leaving the Section

line and running North 2695 feet along a line which coincides with the east boundary and the east boundary of the present City limits produced in a southerly direction to a point on the quarter section line in the center of Forrest Street and 555 feet West of the center of said Section 9; thence East along the said Quarter Section line and in the center of said Street 1876.5 feet to the point of beginning.

Section 2. That all laws or parts of laws that conflict herewith are hereby repealed to the extent of such conflict.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 10:26 A.M.

Act No. 420

H. 905—Huddleston

AN ACT

To require the Board of Revenue of Colbert County to provide suitable office space with telephone service for the Solicitor of the Colbert Law and Equity Court of Colbert County.

Be It Enacted by the Legislature of Alabama:

Section 1. The Board of Revenue of Colbert County is hereby authorized and will provide an office in the Court House of Colbert County, Alabama, or at such other suitable place as may be provided by the Board of Revenue of Colbert County, for and to be used by the Solicitor of the Colbert Law and Equity Court, and it shall be the duty of the Board of Revenue of Colbert County to provide such office with telephone service. The said office space as provided shall be subject to the approval of the said Solicitor of the **Colbert Law and Equity Court**.

Section 2. That all laws, both local and general, in conflict with this act be, and the same are, hereby repealed.

Section 3. That this act shall take effect immediately upon passage by the Legislature and approval by the Governor, or upon its otherwise becoming law.

Approved September 9, 1955.

Time: 10:28 A.M.

Act No. 421

H. 907—Fite

AN ACT

To amend Section 5 of Act No. 198, H. 526, approved July 16, 1953 (Acts of Alabama 1953, Vol. 1, p. 263), entitled "An Act Creating the office of County Engineer for Marion County, Alabama; prescribing his qualifications, term of office, and salary; repealing conflicting laws."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 198, H. 526, approved July 16, 1953 (Acts of Alabama 1953, Vol. 1, p. 263), entitled "An Act Creating the office of County Engineer for Marion County, Alabama; prescribing his qualifications, term of office, and salary; repealing conflicting laws," is amended to read as follows:

"Section 5. The County Engineer shall receive an annual salary of not more than seven thousand and two hundred dollars, the exact amount to be fixed by the Board of Revenue, to be paid in equal monthly installments, which salary may not be decreased during his term of office, such salary to be paid from the gasoline tax funds of Marion County, Alabama."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.
Time: 10:30 A.M.

Act No. 422

H. 908—Fite

AN ACT

To amend further Section V of an act to provide for an election of the County Superintendent of Education for Marion County, Alabama, to fix the term of office, to provide for filling vacancies therein, to prescribe his salary, and the manner of payment thereof, to define his qualifications, powers, and duties, and to provide for his successor in office, approved June 3, 1935 (Local Acts, 1935, p. 18).

Be It Enacted by the Legislature of Alabama:

Section 1. Section V of an act providing for the election of the County Superintendent of Education for Marion County, fixing his term of office, providing for filling vacancies therein, prescribing his salary, and the manner of its payment, defining his qualifications, powers, and duties, and providing for his successor in office, which act was approved June 3, 1935 (Local Acts of 1935, page 18), as amended, is amended further to read as follows:

"The salary of the County Superintendent of Education of Marion County shall be fixed by the county board of education in such an amount as the board may deem proper and ample, not to exceed five thousand two hundred dollars per annum. Such salary shall be paid in the same manner and from the same sources as provided by the general law for the payment of the compensation of county superintendents of education in the several counties."

Section 2. This Act shall become effective at the expiration of term of the incumbent superintendent of the office of county superintendent of education in Marion County.

Approved September 9, 1955.

Time: 10:31 A.M.

Act No. 423

H. 909—Fite

AN ACT

Relating to Marion County: To amend further Section 1 of Act No. 307, H. 526, approved September 1, 1939 (Local Acts of Alabama, 1939, page 195), entitled "An Act to allow the Sheriff of Marion County an additional deputy sheriff; to provide the manner and method of his appointment and to fix his salary and make it payable out of the General Fund of the county in equal monthly installments; to prescribe his duties and powers and to provide for his assignment by the sheriff primarily in certain precincts in Marion County," as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 307, H. 526, approved September 1, 1939 (Local Acts of Alabama, 1939, page 195), which allows the sheriff of Marion County an additional deputy, as amended, is amended further to read:

"The Sheriff of Marion County, Alabama, is hereby allowed an additional deputy sheriff, who shall receive a salary of not less than nine hundred nor more than four thousand two hundred dollars per annum, to be paid in equal monthly installments out of the general fund of Marion County, the exact amount of the salary to be fixed by the Marion County Board of Revenue. The deputy sheriff shall be eligible to perform duties anywhere in the county, provided the Sheriff may from time to time assign him to perform such duties in certain precincts in Marion County as he may deem fit and proper."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 10:35 A.M.

Act No. 424

H. 929—Dement

AN ACT

To alter and extend the boundary lines of the City of Athens, Alabama, so as to include within the corporate limits of said City certain territory not already included therein and located in Limestone County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Athens, in the County of Limestone and State of Alabama, be and same are hereby altered and extended so as to include within the corporate limits of said City all the following described additional territory lying within the County of Limestone and not presently included in the boundaries of said City, to-wit:

All that part of the Southeast Quarter of Section 6, Township 3 South, Range 4 West which lies North of the right of way of the Buck Island Road, South of the right of way of the Fifth Avenue as produced westward, and West and North of the present City Limits Line; the tract of land being further described as beginning at the Northwest corner of the Southeast Quarter of the Southeast Quarter of said Section 6 and running thence East along the Quarter-Quarter Section line which is also along the present corporate limits line 932 feet; thence leaving the Quarter-Quarter Section line and running North along the present corporate limits line 1300 feet to a point on the South margin of said Fifth Avenue as produced West; thence leaving the present corporate limits line and running West along the South right of way line of said Fifth Avenue 2156 feet to the West boundary of said Southeast Quarter of Section 6; thence South along the Quarter Section line 190 feet to the North right of way line of the Buck Island Road; thence southeast along the North right of way line of said road 2036 feet to a point on the West boundary of the Southeast Quarter of the Southeast Quarter of said Section 6; thence North along the Quarter-Quarter Section line which is also the present City limits line 282 feet to the point of beginning.

Section 2. That all laws or parts of laws that conflict herewith are hereby repealed to the extent of such conflict.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 10:36 A. M.

Act No. 425

H. 930—Dement

AN ACT

To alter and extend the boundary lines of the City of Athens, Alabama, so as to include within the corporate limits of said City certain territory not already included therein and located in Limestone County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Athens, in the County of Limestone, and State of Alabama, be and the same are hereby altered and extended so as to include within the corporate limits of said City all the following described additional territory lying within the County of Limestone and not presently included in the boundaries of said City, to-wit:

All that part of the North half of the North half of Section 9, also all that part of the South Half of the South Half of Section 4, all in Township 3 South, Range 4 West, which lies East of and adjacent to the East boundary of the corporate limit line of the City of Athens, Alabama and West of the right of way of a newly constructed Federal Highway designated as U.S. 31; the entire tract of land being further described as beginning at a point on the present City limits line 555 feet West of the Northwest corner of the Southwest Quarter of the Southeast Quarter of said Section 4 and run thence East along the Quarter-Quarter Section line 2606 feet to a point on the West boundary of said Highway 31 and at station 93-78 on said highway; thence leaving the Quarter-Quarter Section line and running South 16 degrees and 5 minutes West along the West boundary of said Highway 2889.7 feet to a point 63 feet West of the Northwest corner of the Southeast Quarter of the Northeast Quarter of said Section 9; thence West along the Quarter-Quarter Section line which is also the present corporate limit line a distance of 1813.5 feet to a point 1347 feet North of the Quarter Section line which runs East and West through the center of said Section 9, thence running North along the present corporate limit line 2694 feet to the point of beginning.

Section 2. That all laws or parts of laws that conflict herewith are hereby repealed to the extent of such conflict.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 10:37 A. M.

Act No. 426

H. 932—Ferrell

AN ACT

To provide for the manner of electing the members of the DeKalb County Board of Education, and to specify their election of one member thereof from each of the Commissioners Districts of DeKalb County, Alabama, and one member at large from said county and to provide their terms of office.

Be It Enacted by the Legislature of Alabama:

Section 1. There shall be elected by the qualified electors of the entire county five (5) members of the DeKalb County Board of Education of DeKalb County, Alabama. One member shall be elected from each of the four Commissioners or board of Revenue Districts of DeKalb County, and shall be a qualified elector and bona fide resident of the district from which he is elected. There shall be one member of the Board elected from the County at large, who may reside in any part of the County.

Section 2. The members of the DeKalb County Board of Education shall be elected for a term of six (6) years, and shall be for staggered terms as follows: One member from the first Commissioners or Board of Revenue District at the expiration of the term of the present member of the Board, Honorable Bill Russell, who resides in said district, at the general election of state and county officers to succeed the member whose term of office shall expire at that time; and one member from the second Commissioners or Board of Revenue District at the expiration of the term of the present member of the Board, Honorable Joe F. Campbell; who resides in said District, at the general election of state and county officers to succeed the member whose term of office shall expire at that time; and one member from the third Commissioners or Board of Revenue District at the expiration of the term of the present member of the Board, Honorable Herman Watson, who resides in said District, at the general election of state and county officers to succeed the member whose term of office shall expire at that time; and one member from the fourth Commissioners or Board of Revenue District, at the expiration of the term of the present member of the Board, Honorable J. T. Shirey, who resides in said district, at the general election of state and county officers to succeed the member whose term of office shall expire at that time; and one member of the Board at large at the expiration of the term of the present member of the Board, Honorable Hoyt Rains, at the general election of state and county officers to succeed the member of the Board who is to be elected from the County at large, whose term shall expire at that time.

Section 3. The present members of the DeKalb County Board of Education shall hold office until the expiration of their respective terms and until their successors are elected and qualified.

Section 4. The members of the DeKalb County Board of Education shall exercise all the powers and duties pertaining to the school system of DeKalb County as now or hereafter may be authorized by law, and receive the same per diem as now or hereafter may be authorized by law.

Section 5. The sections of this Act and the parts of each section are hereby declared to be independent sections and parts of sections, and the holding of any part or section thereof to be void, ineffective or unconstitutional by the Courts of the state of Alabama, or the United States Court, shall not effect the other sections or parts thereof; it being now declared that the other parts or other sections would have been enacted regardless of any section or part of sections which might be held unconstitutional, inoperative or ineffective.

Section 6. All laws and parts of laws, both local and general in conflict with the provisions of this act are hereby repealed in so far as relates to DeKalb County.

Section 7. This Act shall go into effect upon its passage and approval by the Governor or its otherwise becoming a law.

Approved September 9, 1955
Time: 10:38 A.M.

Act No. 427

H. 934—Callahan, deGraffenried

AN ACT

To apply in all counties of this State having a population of not less than 94,000 and not more than 134,000 according to the latest or any subsequent Federal decennial census, and to further regulate the number of meetings allowed to be held by the County Boards of Education in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act apply in all counties of Alabama having a population of not less than 94,000 and not more than 134,000 according to the latest or any subsequent Federal decennial census.

Section 2. That in addition to the number of meetings held annually by the County Boards of Education in such counties, such Boards are hereby authorized to meet within their own discretion one hundred additional days during the year 1955 and one hundred additional days during the year 1956.

Section 3. The same per diem and expenses shall be paid to the members of such Boards for each meeting as is now provided by law.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or otherwise becoming a law and shall be repealed by the operation of law, the 31st day of December, 1956.

Approved September 9, 1955.
Time: 10:40 A.M.

AN ACT

Act No. 428

H. 936—Meeks, Nice, Kaul,
Perry, Vacca, Lackey,
Edwards, (Jefferson)

To further amend Section 793 of Title 37 of the 1940 Code of Alabama, as heretofore amended by Act No. 857 of the Regular Session of the Legislature of Alabama of 1953 (General Acts of Alabama of 1953, p. 1147), approved September 19, 1953.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 793 of Title 37 of the 1940 Code of Alabama, as heretofore amended by Act No. 857 of the Regular Session of the Legislature of Alabama of 1953 (General Acts of Alabama of 1953, p. 1147), approved September 19, 1953, be and the same hereby is amended to read as follows:

"Section 793. Procedure of commission. — The commission may adopt the plan as a whole by a single resolution or may by successive resolutions adopt successive parts of the plan, said parts corresponding with major geographical sections or divisions of the municipality or with functional subdivisions of the subject matter of the plan, and may adopt any amendment or extension thereof or addition thereto. Before the adoption of the plan or any such part, amendment, extension, or addition the commission shall hold at least one public hearing thereon, notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the municipality and in the official gazette, if any, of the municipality; provided, however, the planning commission may dispense with such public hearing prior to the approval or disapproval of a plan when the city commission to whom the plan will be submitted will be required to hold a public hearing, and give notice thereof before the plan can be adopted by such city. The adoption of the plan or of any such part or amendment or extension or addition shall be by resolution of the commission carried by the affirmative votes of not less than six members of the commission or, in any city having a sixteen-member planning commission as provided above, by the affirmative votes of not less than twelve members of the commission. The resolution shall refer expressly to the maps and descriptive and other matter intended by the commission to form the whole or part of the plan, and the action taken shall be recorded on the map and plan and descriptive matter by the identifying signature of the chairman or secretary of the commission. An attested copy of the plan or part thereof shall be certified to council and to the county recorder or probate judge."

Approved September 9, 1955

Time: 10:45 A.M.

Act No. 429

H. 938—Lackey, Nice, Vacca, Perry,
Kaul, Edwards (Jefferson)

AN ACT

To fix the compensation or salary of the Circuit Clerk of all counties having a population of Five Hundred Thousand (500,000) or more according to the last or any subsequent Federal Census. To provide for the manner of payment thereof and to repeal all laws in conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary of the Circuit Clerk of all counties having a population of Five Hundred Thousand (500,000) or more according to the last or any subsequent Federal census, is hereby fixed at Seventy Eight Hundred and no/100 (\$7,800.00) Dollars per annum, payable in equal monthly installments. The salary provided for herein shall be the entire compensation of the Circuit Clerk, in lieu of all other compensation.

Section 2. The salary of said Circuit Clerk now in effect shall remain in the same until the expiration of the present term of office of such clerk and the salary provided for in this Act shall take effect at the beginning of the next term of office of such Circuit Clerk.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective on the first Monday after the second Tuesday in January, 1959.

Approved September 9, 1955.

Time: 10:45 A.M.

Act No. 430

H. 939—Lackey, Perry, Vacca, Kaul,
Meeks, Edwards (Jefferson)

AN ACT

To provide for the compensation to be paid certain Deputy Circuit Solicitors by counties having a population of four hundred thousand (400,000) or more according to the last or any succeeding decennial federal census.

Be It Enacted by the Legislature of Alabama:

Section 1. The County Commission, Board of Revenue or other governing body of each county of the State of Alabama having a population of four hundred thousand (400,000) or more, according to the last or any succeeding decennial federal census is hereby directed to appropriate and pay in equal monthly installments from the General Fund of the County to the First Deputy Circuit Solicitor of the Tenth Judicial Circuit of Alabama an annual salary of Two Thousand Eight Hundred Fifty Dollars (\$2,850.00), to the Second Deputy Circuit Solici-

tor of the Tenth Judicial Circuit of Alabama an annual salary of Three Thousand Four Hundred Dollars (\$3,400.00), to the Third Deputy Circuit Solicitor of the Tenth Judicial Circuit of Alabama an annual salary of Three Thousand Four Hundred Dollars (\$3,400.00), to the Fourth Deputy Circuit Solicitor of the Tenth Judicial Circuit of Alabama an annual salary of Seven Thousand Six Hundred Dollars (\$7,600.00), to the Fifth Deputy Circuit Solicitor of the Tenth Judicial Circuit of Alabama an annual salary of Six Thousand Two Hundred Dollars (\$6,200.00), to the Sixth Deputy Circuit Solicitor of the Tenth Judicial Circuit of Alabama an annual salary of Five Thousand Eight Hundred Dollars (\$5,800.00), to the Deputy Circuit Solicitor appointed to serve in the Jefferson County Court of Misdemeanors an annual salary of Five Thousand Seven Hundred Dollars (\$5,700.00), to the Deputy Circuit Solicitor appointed to the Juvenile and Domestic Relations Court an annual salary of Five Thousand Seven Hundred Dollars (\$5,700.00).

Section 2. In the event that the salary compensation or emoluments of either one or more of the Deputy Circuit Solicitors of the Tenth Judicial Circuit of Alabama herein named and included shall have been or shall hereafter be increased by any Act of the 1955 Regular Session or 1955 Special Session of the Legislature of Alabama, such increase shall not be included in computing such additional salary payment provided by this Act, and, furthermore, any such increase allowed by any other Act of the 1955 Legislature of Alabama (Regular Session or Special Session) shall be deducted from any increase provided by this Act; it being the intent of this Act to provide a total annual salary of Eight Thousand Five Hundred Fifty Dollars (\$8,550.00) for the First Deputy Circuit Solicitor of the Tenth Judicial Circuit of Alabama, a total annual salary of Eight Thousand Four Hundred Dollars (\$8,400.00) for the Second Deputy Circuit Solicitor of the Tenth Judicial Circuit of Alabama, a total annual salary of Eight Thousand Four Hundred Dollars (\$8,400.00) for the Third Deputy Circuit Solicitor of the Tenth Judicial Circuit of Alabama, a total annual salary of Eight Thousand Four Hundred Dollars (\$8,400.00) for the Fourth Deputy Circuit Solicitor of the Tenth Judicial Circuit of Alabama, a total annual salary of Seven Thousand Dollars (\$7,000.00) for the Fifth Deputy Circuit Solicitor of the Tenth Judicial Circuit of Alabama, a total annual salary of Six Thousand Six Hundred Dollars (\$6,600.00) for the Sixth Deputy Circuit Solicitor of the Tenth Judicial Circuit of Alabama, a total annual salary of Five Thousand Seven Hundred Dollars (\$5,700.00) for the Deputy Circuit Solicitor of the Tenth Judicial Circuit of Alabama appointed to prosecute cases in the Jefferson County Court of Misdemeanors, a total annual salary of Five Thousand Seven Hundred Dollars (\$5,700.00) for the Deputy Circuit Solicitor appointed by the

Solicitor of the Tenth Judicial Circuit of Alabama to prosecute in the Juvenile and Domestic Relations Court, whether paid from County Funds or from both State and County Funds, and in on event exceeding the total annual salary stated in this Section for each of said Deputy Circuit Solicitors, even though salary increases allowed by one or more other Acts of the 1955 Regular Session or Special Session of the Legislature of Alabama may have been granted in the case of some of such Deputy Circuit Solicitors. If any salary increase provided by any other Act of the 1955 Legislature should increase the annual salary of one or more of said Deputy Circuit Solicitors to the extent that such increase raises the salary of such one or more Deputy Circuit Solicitors to the annual salary herein stated to be the total annual salary therefor, then the amount herein in Section 1 specified for the County to pay shall be reduced to the extent that the total annual salary paid from State and County funds shall be the amount specified in this Section for such Deputy Circuit Solicitor, and no additional salary over and above the amount necessary to add with the amount paid from State Funds to make the total annual salary herein specified shall in such circumstances be payable from the funds of the County.

Section 3. This Act shall become effective immediately upon its approval by the Governor or its otherwise becoming a law.

Approved September 9, 1955.

Time: 10:46 A.M.

Act No. 431

H. 959—Hawkins, Hanby

AN ACT

To amend further Section 1 of Act No. 691, S. 284, approved September 5, 1951 (Acts of Alabama, 1951, p. 1192), entitled "An Act to fix the compensation of court reporters, and providing for the payment thereof."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 691, S. 284, approved September 5, 1951 (Acts of Alabama, 1951, p. 1192), as amended, entitled "An Act to fix the compensation of court reporters, and providing for the payment thereof," is amended further to read as follows:

"Section 1. The official court reporters appointed and holding office under the provisions of law shall receive a salary of forty-two hundred dollars per annum, twenty-two hundred dollars of which shall be payable in monthly installments by the counties composing the circuits, each county to pay its pro rata part thereof, upon the basis of the assessed tax valuation of all property in such county for the preceding year, such pay-

ments to be made on certificate issued by the judge of the court in favor of such official reporter for the respective amounts due by the several counties each month, the same to be paid by the treasurer of each county out of the general fund on presentation in the same manner as jurors' certificates are now paid, and the remaining two thousand dollars per annum shall be paid in equal monthly installments on the warrant of the State Comptroller from the General Fund in the State Treasury. Provided, however, the official court reporters of all counties in the state which now have, according to the preliminary figures contained in the federal census of 1950, or which may hereafter have, according to any future federal census, a population of not less than 98,500 nor more than 140,000, shall receive a total salary of forty-eight hundred dollars per annum, twenty-eight hundred dollars of which shall be payable in equal monthly installments by the county out of the general fund of the county as set out above, and two thousand dollars shall be paid in equal installments from the General Fund in the State Treasury, as set out above; and provided further, that the official court reporters of all counties in the state which now have, according to the preliminary figures contained in the federal census of 1950, or which may hereafter have, according to any future federal census, a population of not less than 225,000 nor more than 350,000, shall receive a total salary of not less than forty-two hundred dollars per annum nor more than forty-eight hundred dollars per annum, two thousand dollars of which shall be payable in equal monthly installments on the warrant of the State Comptroller from the General Fund in the State Treasury, as above set out, and the balance of such salary, within the minimum and maximum limits above mentioned, to be fixed by the Personnel Board of each of such Counties having a Civil Service Law, and by the Board of Revenue or other governing body of each of the such Counties that do not have a Civil Service Law, such amount as so fixed of the total amount to be paid said court reporters within the minimum and maximum range above set out to be payable in equal monthly installments by each of such counties out of the general fund of each of such counties; and provided further that the official court reporters of the sixteenth judicial circuit shall receive a total salary of four thousand eight hundred dollars per annum, twenty-eight hundred dollars of which shall be payable in equal monthly installments by the county out of the general fund of the county as set out above, and the remaining two thousand dollars per annum shall be paid in equal monthly installments from the General Fund in the State Treasury, as set out above."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.
Time: 10:47 A.M.

Act No. 432

H. 962—Lackey, Vacca, Perry, Edwards (Jefferson), Nice.

AN ACT

TO AMEND Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts 1951, Page 1579).

Be It Enacted by the Legislature of Alabama:

SECTION 1. That Section 15 of Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts 1951, page 1579) be and the same hereby is amended so as to read as follows:

Section 15. REDUCTION OF ALLOWANCES. — Any amount otherwise payable by the fund to any beneficiary for any month or part thereof on account of retirement, widowhood or disability shall be reduced by the amount, if any, paid or payable by the city to such beneficiary for the same month or part thereof on account or by reason of employment of said beneficiary during such month as an employee of the city.

Approved September 9, 1955.
Time: 10:48 A.M.

Act No. 433

H. 965—Meeks, Nice, Edwards (Jefferson), Perry, Vacca, Lackey, Kaul

AN ACT

To fix the salary of the Register of the Circuit Court of the Tenth Judicial Circuit of Alabama (Jefferson County) and to regulate the payment of the same.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Register of the Circuit Court of the Tenth Judicial Circuit of Alabama, in Equity, shall receive a salary of Seventy-Five Hundred Dollars (\$7,500) per annum, which said salary shall be paid out of the County Treasury of Jefferson County, Alabama, in equal monthly installments and shall be the total salary for such office.

Section 2. The salary of said Register of the Circuit Court now in effect shall remain the same until the expiration of the present term of office of such Register of the Circuit Court and the salary provided for in this Act shall take effect at the beginning of the next term of office of such Register of the Circuit Court.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective on the first Monday after the second Tuesday in January, 1959.

Approved September 9, 1955.

Time: 10:50 A.M.

Act No. 434

H. 966—Meeks, Nice, Edwards (Jefferson), Vacca, Perry, Lackey

AN ACT

To provide that in any election held for the purpose of authorizing a change in the form of government of any city with a population of 200,000 inhabitants or more according to the last or any succeeding federal census the electorate of such city shall be entitled to choose at such election between the Commission form of Government, the Mayor Council form of Government and the Council Manager form of Government; To provide for the ballots to be used in any such election, the conduct thereof, the canvass of the vote, and the declaration and certification of the result.

Be It Enacted by the Legislature of Alabama:

Section 1. In any election held under the provisions of any act heretofore or hereafter adopted for the purpose of authorizing a change in the form of government of any city with a population of 200,000 inhabitants or more according to the last or any succeeding federal census, the electorate of such city shall be entitled to choose at such election between the Commission form of government, the Mayor Council form of government and the Council Manager form of government.

Section 2. In any such election the provisions of any law or act to the contrary notwithstanding, the proposition to be submitted to the voters shall be printed in plain, prominent type on ballots separate and distinct from ballots for any office or question, and shall read as follows:

“Shall the Commission form of government be adopted (or retained) for the City of _____?”

Yes.....”

“Shall the Mayor Council form of government, as provided by the Mayor Council Act of 1955, be adopted (or retained) for the City of _____?”

Yes.....”

“Shall the Council Manager form of government, as provided by the Council Manager Act of 1953, be adopted (or retained) for the City of _____?”

Yes.....”

The voter shall mark his ballot with a cross mark before or after the word which expresses his choice. The voter shall express his choice as to one form of government only and no ballot shall be legal which is marked for more than one choice. No other proposition shall be submitted to the voters of such

city upon this ballot. If voting machines are used at any voting place in such election, the above propositions may at the discretion of the election commission or other body or official having charge of the conduct of municipal elections in such city be submitted as separate propositions on voting machines so used.

Section 3. Any such election shall be conducted, the vote canvassed and the result declared in the same manner as provided by law in respect to other city elections in such city, and only qualified electors of such city shall vote thereat. If the majority of all votes cast in such election shall be in favor of the adoption or the retention of any one of said forms of government, then such form of government shall be adopted or retained as the case may be by such city, and the election commission or other canvassing board of official shall transmit to the Governor, to the Secretary of State, to the Judge of Probate of the County, and to the Chief Executive Officer of the city, a certificate stating that such proposition was adopted by such city.

Section 4. If at any such election no proposition received a majority of all votes cast at such election then a second election shall be held on the same day two weeks later at which election only the two propositions receiving the highest number of votes at the first election shall be placed on the ballot. Such second election shall be conducted, the vote canvassed, the result declared and certificates transmitted as provided herein for the first election.

Section 5. If the form of government receiving a majority of the votes at any such election is the form of government under which such city is governed at the time of such election, then such city shall continue thereunder. If the form of government receiving a majority of the votes at any such election is a form of government other than that under which such city is governed at the time of such election, then such form of government shall become the government of such city in accordance with the law or laws applicable to the adoption of such form of government.

Approved September 9, 1955.

Time: 10:51 A.M.

Act No. 435

H. 967—Meeks, Perry, Edwards (Jefferson), Lackey, Nice, Vacca

AN ACT

Relating to Jefferson County: To abolish the Inferior Court of Leeds and provide for the transfer and disposition of the pending causes and judgments of the Inferior Court of Leeds.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Inferior Court of Leeds be and the same is hereby abolished.

Section 2. That all cases and causes pending in the Inferior Court of Leeds, together with all dockets, documents, papers and judgments thereof shall be transferred to the Municipal Court of Birmingham, as if they had been instituted therein and all judgments heretofore rendered in the Inferior Court of Leeds shall be treated the same as if they had been rendered by the Municipal Court of Birmingham and the said Municipal Court of Birmingham and its officers shall have the same power and control over the same and shall issue, execution or other process thereon the same as if the judgment had been rendered in the Municipal Court of Birmingham.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 10:58 A.M.

Act No. 436

H. 968—Edwards (Jefferson), Nice, Perry,
Kaul, Vacca, Meeks, Lackey

AN ACT

To alter, rearrange, and increase the boundaries of the City of Fairfield, Alabama, Jefferson County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Fairfield in the County of Jefferson, State of Alabama, shall be altered and rearranged and increased so as to include therein, in addition to the lands now included, the following described property, to-wit:

Begin at the northeast corner of the South-West quarter of North-East quarter of Section 13, Township 18 South, Range 4 West; thence in a westerly direction along the north boundary of said South-West quarter of North-East quarter which is the present corporate boundary of the City of Fairfield to intersection with the northwest boundary of former right of way from North Bessemer Car Line of Birmingham Electric Company which ran from Birmingham to Bessemer; thence in a general southwesterly direction, along said boundary of former right of way which is the present corporate boundary of the City of Fairfield to intersection with a line parallel with and 150.0 feet northeast of the center line of High Line Ore Tract

of United States Steel Corporation; thence in a northwesterly direction along said parallel line which is the present corporate boundary of the City of Fairfield to intersection with the northerly boundary of the public road leading from Powderly to Brighton; thence in a westerly direction along said northerly boundary of road which is the present corporate boundary of the City of Fairfield to intersection with the corporate boundary of the City of Midfield; thence in a southeasterly direction along said corporate boundary of the City of Midfield to the south boundary of said road; thence east along the south side of said road which is the present corporate boundary of the City of Midfield to intersection with the south right of way line of said North Bessemer Car Line; thence in a general northeasterly direction along said boundary of right of way which is the present corporate boundary of the City of Midfield to intersection with the south boundary of the South-West quarter of Section 13; thence in an easterly direction along south boundary which is the present corporate boundary of the City of Midfield to the point on said south boundary of the South-West quarter of said Section 13, where the south-westwardly projection of the southeast side of the alley traversing Block 1 of the Survey of Belwood as recorded in the Bessemer Office of the Judge of Probate of Jefferson County, Alabama, intersects said south boundary of the South West quarter of said Section 13, thence in a Northeasterly direction along the said projection of the South-East side of the alley traversing said Block 1, and long the southeast side of said alley to the point where said southeast side of said alley intersects the East boundary of the South-East quarter of the South-west quarter of said Section 13, thence in a northerly direction along said East boundary of the South-east quarter of the South-West quarter of said Section 13, which is the present corporate boundary of the City of Midfield to the South-West corner of the North-west quarter of the South-east quarter of said Section 13, thence in an easterly direction along the South boundary of said North-West quarter of the South-East quarter which is the present corporate boundary of said City of Midfield to the point of intersection of said South boundary of the North-west quarter of the South-east quarter with the South-east side of said alley traversing Block 1, said Survey of Belmont, thence in a North-easterly direction along the South-east side of said alley and along the North-easterly projection of said South-east side of said alley to the point where the North-easterly projection of said South-east side of said alley intersects the East boundary of the said North-west quarter of the South-east quarter which is the present corporate boundary of the City of Midfield, thence in a Northerly direction along the East boundary of said North-West quarter of the South-east quarter to the North-East corner or said North-West quarter of South-East quarter; thence in an easterly direction along the

south boundary of the South-East quarter of North-East quarter of said Section 13 to the point of intersection of said South boundary and the southwest line of the Buck property as described in the deed recorded in Deed Book 560, Page 361, in the Bessemer Office of the Judge of Probate of Jefferson County, Alabama; thence run in a north-westerly direction along said southwest line of said Buck property and the projection of said southwest line which is the present corporate boundary of the City of Birmingham to intersection with the east boundary of said South-West quarter of North-East quarter of Section 13; thence in a northerly direction along said east boundary, which is the present corporate boundary of the City of Birmingham, to the point of beginning, and to include all property in the areas inside of this new boundary line.

Such boundaries of said City other than changed by including the above described property shall remain as at present and the said territory included in said City shall remain as at present, except that in addition thereto, shall be included the above described property.

Section 2. That this act shall become and be effective October 2, 1955 and after the date of its passage.

Approved September 9, 1955.

Time: 11:00 A.M.

Act No. 437

H. 970—Perry, Lackey, Edwards
(Jefferson), Vacca, Nice

AN ACT

Relating to the municipality of the Town of Graysville in Jefferson County: To alter, rearrange, and extend the boundaries and corporate limits of the Town of Graysville.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the municipality of the Town of Graysville in Jefferson County are hereby altered, rearranged, and extended to include within the corporate limits of the Town of Graysville the following described territory situated in Jefferson County, Alabama, in addition to that already within the corporate limits of said town, to-wit:

Begin at the S.W. corner of Section 28, Township 16 South Range 4 West, thence Easterly along the South line of said section to the S.E. corner of the West $\frac{1}{2}$ of said section, thence Northerly along the East line of said West $\frac{1}{2}$ of said section to the N.E. corner of said West $\frac{1}{2}$ of said section, thence continue Northerly along the East line of the West $\frac{1}{2}$ of Section 21, Township 16 South Range 4

West to a point 600.00 feet South of the N.E. corner of the S.E. $\frac{1}{4}$ of S.W. $\frac{1}{4}$ of said Section 21, Township 16 Range 4 West, thence East 300.0 feet thence Northerly and parallel to said East line of the West $\frac{1}{2}$ of said Section 21, Township 16 Range 4 West 600.0 feet to the North line of the S.W. of S.E. $\frac{1}{4}$ Section 21, Township 16 South Range 4 West, thence Westerly 300.0 feet to the N.W. corner of said $\frac{1}{4}$ - $\frac{1}{4}$ Section, thence Northerly along the East line of said West $\frac{1}{2}$ of Section 21, Township 16 South Range 4 West to a point 100 feet South of the N.W. corner of the N.W. $\frac{1}{4}$ of S.E. $\frac{1}{4}$ Section 21, Township 16 South Range 4 West, thence East 150.0 feet, thence Northerly and parallel to the said East line of West $\frac{1}{2}$ of Section 21, Township 16 South Range 4 West 650.0 feet, thence West 150.0 feet to the said East line of West $\frac{1}{2}$ of Section 21, Township 16 South Range 4 West, thence Northerly along the East line of said West $\frac{1}{2}$ of Section 21, Township 16 South Range 4 West to the N.E. corner of S.E. $\frac{1}{4}$ of N.W. $\frac{1}{4}$ said Section 21, Township 16 South Range 4 West, thence Westerly along the North line of said S.E. $\frac{1}{4}$ of N.W. $\frac{1}{4}$ Section 21, Township 16 South Range 4 West to the N.W. corner of said S.E. $\frac{1}{4}$ - N.W. $\frac{1}{4}$ Section 21, Township 16 South Range 4 West, thence Northerly along the East line of the N.W. $\frac{1}{4}$ of N.W. $\frac{1}{4}$ of Section 21, Township 16 South Range 4 West to a point 700.0 feet South of the N.E. corner of said N.W. $\frac{1}{4}$ of N.W. $\frac{1}{4}$ Section 21, Township 16 South Range 4 West, thence East 200.0 feet, thence Northerly and parallel to the East line of said N.W. $\frac{1}{4}$ - N.W. $\frac{1}{4}$ of Section 21, Township 16 Range 4 West 700.0 feet to the North line of the N.E. $\frac{1}{4}$ of N.W. $\frac{1}{4}$ of said Section 21, Township 16 South Range 4 West, thence Westerly along the North line of said N.E. $\frac{1}{4}$ - N.W. $\frac{1}{4}$ of Section 21, Township 16 South Range 4 West 200.0 feet to the N.E. corner of the N.W. $\frac{1}{4}$ of N.W. $\frac{1}{4}$ of Section 21, Township 16 South Range 4 West, thence Northerly to the N.E. corner of S.W. $\frac{1}{4}$ of S.W. $\frac{1}{4}$ Section 16, Township 16 South Range 4 West, thence Westerly to the N.W. corner of said S.W. $\frac{1}{4}$ of S.W. $\frac{1}{4}$ Section 16 Township 16 South Range 4 West, thence Northerly along the East line of Section 17, Township 16 South Range 4 West to the N.E. corner of the S.E. $\frac{1}{4}$ of said Section 17 Township 16 South Range 4 west, thence Westerly to the N.W. corner of the said S.E. $\frac{1}{4}$ of Section 17, Township 16 South Range 4 West, thence Southerly to the S.W. corner of said S.E. $\frac{1}{4}$ of Section 17, Township 16 South Range 4 West, thence continue South along the West line of the N.E. $\frac{1}{4}$ of Section 20 Township 19 South Range 4 West to the S.W. corner thereof, thence East along the South line of the N.E. $\frac{1}{4}$ of Section 20 to the S.W. corner of S.E. $\frac{1}{4}$ of N.E. $\frac{1}{4}$ of Section 20, thence North along the West line of said SE of NE to NW corner thereof, thence East along the North line of SE

of NE for a distance of 950 feet, thence South and parallel to West line of the SE of NE to a point 800 feet North of the South line of said SE of NE, thence West and parallel to North line of SE of NE for a distance of 400 feet, thence South and parallel to West line of SE of NE for a distance of 800 feet to the South line of SE of NE which point is 550 feet East of the SW corner of SE of NE, thence East along the North line of NE of SE of Section 20 to the NE corner of SE $\frac{1}{4}$ of Section 20, thence South along the East line of the SE $\frac{1}{4}$ to the SE corner of Section 20 which point is also the NE corner of Section 29 Township 16 South Range 4 West, thence continue South along the East line of Section 29 to the SE corner of SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 29, thence West along South line of SE of NE to SW corner of SE of NE, thence South along the West line of the East $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 29 to the SW corner of SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 29, thence East along South line of SE of SE to the SE corner of Section 29 and the point of beginning.

Also begin at the SE corner of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 29 Township 16 South Range 4 West, thence North along the East line of SW of NE to the NE corner thereof, thence West along North line of SW of NE to Northwest corner thereof, thence North along the East line of NE $\frac{1}{4}$ of NW $\frac{1}{4}$ to NE corner thereof, thence West along North line of NE of NW to NW corner thereof, thence South along West line of the East $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 29 to the SW corner of SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 29, thence East along South line of SE $\frac{1}{4}$ of NW $\frac{1}{4}$ and South line of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ to SE corner of SW $\frac{1}{4}$ of NE and point of beginning.

All the above described lands being a part of Sections 16, 17, 20, 21, 28 and 29, Township 16 South Range 4 West Jefferson County, Alabama.

Section 2. During the hours between eight o'clock A.M. and six o'clock P.M., on the first Tuesday after the expiration of forty days after the date upon which this act becomes effective, an election shall be held by the qualified electors residing within the territory described in Section 1 hereof which is to be annexed to said town. Said election shall be held to determine whether or not a majority of the electors residing within the territory above described, to be annexed to said town favor the annexation to said town of said territory. Not less than ten days nor more than twenty days before the date on which said election is to be held the Judge of Probate of Jefferson County, Alabama, shall give notice of the holding of such election by publication in a daily newspaper published in Jefferson County, Alabama, which notice shall state the date on which said elec-

tion is to be held, the voting place, the boundaries within which electors must reside to vote at the said voting place and said notice shall give a description of the territory to be annexed to said town and the names and addresses of the inspectors, clerks, and returning officer appointed for said election.

Section 3. The Judge of Probate of Jefferson County, Alabama, shall designate a voting place within said territory for said election and shall appoint three inspectors of election, two clerks and one returning officer for said voting place, which inspectors shall manage the election at said voting place.

Section 4. Each qualified elector who has resided within the boundaries of the territory hereby annexed to said town for three months next preceding the election may vote at said election but must vote at the voting place designated for said election.

Section 5. Said election shall be conducted in all respects as provided by the general election laws and under the same sanction and penalties, except as changed by the provisions of this Act and except that an official ballot need not be provided. There shall be no voting by absentee ballot.

Section 6. Each voter may furnish his own ballot with the following words written or printed thereon:

“For Annexation” if he desires to vote in favor of annexing the territory to said town, or

“Against Annexation” if he desires to vote against annexing the territory to said town. It shall not be necessary for the ballot to be of any particular size, form or color. Voting shall be by paper ballot.

Section 7. The inspectors at said voting place must, as soon as the polls are closed, ascertain and certify the results of the election at said voting place to the Judge of Probate of such county and deliver the same to the returning officer, who must at once return the same to the said Judge of Probate, and said Judge must canvass the return made by the inspectors, and if it appears that a majority of the votes cast at the election were “for annexation” the said Judge shall make and enter an order on the records of said Probate Court recording such fact and from the time of the entry of such order this Act shall be fully effective and the boundaries of said town of Graysville shall be as above set forth. If it appears that a majority of the votes cast at the election are “against annexation” the Judge of Probate shall make and enter an order on the records of said court recording such fact, and this Act shall not be effective, and the boundaries of said town shall not be altered and extended as provided by this Act.

Section 8. The Probate Judge shall be entitled to the same fees for his services performed under the provisions hereof as he is authorized by law to charge and collect for similar services rendered by him, and all other officers shall be entitled to the same compensation for services rendered by them, as they are authorized by law to charge and collect for similar services rendered by them, and said town of Graysville shall pay all such costs and expenses.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 11:01 A.M.

Act No. 438

H. 971—Edwards (Jefferson), Nice, Perry,
Vacca, Meeks, Lackey, Kaul

AN ACT

To provide for the compensation to be paid the Deputy Circuit Solicitor of the Tenth Judicial Circuit of Alabama who is elected by the people and the Assistant Deputy Circuit Solicitor of the Tenth Judicial Circuit of Alabama by counties having a population of 500,000 or more according to the last or any succeeding decennial federal census.

Be It Enacted by the Legislature of Alabama:

Section 1. The County Commission, Board of Revenue or other governing body of each county of the State of Alabama having a population of 500,000 or more according to the last or subsequent decennial federal census is hereby directed to appropriate and pay in equal monthly installments from the General Fund of the county to the Deputy Circuit Solicitor of the Tenth Judicial Circuit of Alabama who is elected by the people an annual salary of Three Thousand (\$3,000.00) Dollars, on warrants drawn by said Deputy Circuit Solicitor, to the Assistant Deputy Circuit Solicitor of the Tenth Judicial Circuit of Alabama, an annual salary of Twenty-Four Hundred (\$2,400.00) Dollars on warrants drawn by the said Assistant Deputy Circuit Solicitor. The annual salary herein provided shall be in lieu of all other compensation and emoluments authorized to be paid from such county funds for such offices.

Section 2. In the event that the salary, compensation or emolument of either of the said Deputy Circuit Solicitor or the said Assistant Deputy Circuit Solicitor of the Tenth Judicial Circuit of Alabama herein named and included shall have been or shall hereafter be increased by any other Act of the Legislature of Alabama; such increase shall not be included in computing such additional salary payment provided by this Act

and furthermore any such increase allowed by any other Act of the Legislature of Alabama (Regular Session or Special Session) shall be deducted from any increase provided by this Act; it being the intent of this Act to provide a total annual salary of Nine Thousand (\$9,000.00) Dollars for the Deputy Circuit Solicitor of the Tenth Judicial Circuit of Alabama who is elected by the people, and a total annual salary of Six Thousand (\$6,000.00) Dollars for the Assistant Deputy Circuit Solicitor for the Tenth Judicial Circuit of Alabama, whether paid from county funds or from both state and county funds and in no event exceed the total annual salary stated in this Section for each of said Deputy Circuit Solicitor of the Tenth Judicial Circuit of Alabama who is elected by the people and the said Assistant Deputy Circuit Solicitor of the Tenth Judicial Circuit of Alabama, even though salary increases allowed by one or more other Acts of the Legislature of Alabama may have been or may be granted in the case of such Deputy Circuit Solicitor or Assistant Deputy Circuit Solicitor. If any salary increase provided by any other Act of the Legislature should increase the annual salary of one or more of said Deputy Circuit Solicitor or Assistant Deputy Circuit Solicitor to the extent that such increase raises the salary of such one or more of said Deputy Circuit Solicitor or Assistant Deputy Circuit Solicitor to the annual salary herein stated to be the total annual salary thereof, then the amount herein in Section 1 specified for the county to pay shall be deducted to the extent that the total annual salary paid from state and county funds shall be the amount specified in this section for such Deputy Circuit Solicitor or Assistant Deputy Circuit Solicitor, and no additional salary over and above the amount necessary to add with the amount paid from state funds to make the total annual salary herein specified shall in such circumstances be payable from the funds of the county.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective on the first Monday after the first Tuesday in January, 1959, as to said Deputy Circuit Solicitor of the Tenth Judicial Circuit of Alabama, who is elected by the people and shall become effective as to said Assistant Deputy Circuit Solicitor upon its approval by the Governor or its otherwise becoming a law.

Approved September 9, 1955.

Time: 11:05 A.M.

AN ACT

To require all county officers on a salary basis in counties having a population of four hundred thousand (400,000) or more, according to the last or any subsequent Federal Census to pay into the county treasury all fees, cost, commissions, and perquisite derived from said offices or monies charged, or collected by them by reason of any official act or for the performance of any service connected directly or indirectly with said offices; and to prescribe that the salary fixed by law shall be the sole and only compensation received by such officers for the performance of the duties of their office or any act or service charged for by them growing out of the performance of their official duties.

Be It Enacted by the Legislature of Alabama:

Section 1. That all county officers on a salary basis in counties of this State having a population of four hundred thousand (400,000) or more according to the last or any subsequent Federal Census, shall pay into the county treasury all fees, costs, commissions, and perquisites derived from said office or monies charged or collected by them by reason of any official act or for the performance of any service connected directly or indirectly with said offices, or for the sale of any information or the copies of any documents, papers, maps or records relating directly or indirectly to said offices.

Section 2. Be it further enacted that the salary fixed by law shall be the sole and only compensation received by such officers, for the performance of the duties of their office or for any act or service charged for by them growing out of the performance of their official duties or connected with the operation or conduct of their respective offices, except fees allowed officers as provided for in Title 29, Section 129, Code of Alabama 1940. Also except fees provided for in Section 17 of Act No. 424, Acts of Alabama 1949.

Section 3. That this Act shall become effective upon its approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 11:06 A.M.

Act No. 440

H. 940—Lackey, Nice, Vacca, Perry,
Kaul, Meeks, Edwards (Jef-
ferson)

AN ACT

To fix the compensation or salary of the President and members of the County Commission, or other governing body, of all counties having a population of Four Hundred Thousand (400,000) or more according to the last or any subsequent Federal Census. To provide for the manner of payment thereof and to repeal all laws in conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary of the President of the County Commission, or other governing body, of all counties having a population of Four Hundred Thousand (400,000) or more according to the last or any subsequent Federal census, is hereby fixed at Ten Thousand Two Hundred and no/100 (\$10,200.00) Dollars per annum, payable in equal monthly installments, and the salaries of the members of the County Commission, or other governing body, of all counties having a population of Four Hundred Thousand (400,000) or more according to the last or any subsequent Federal census, other than the President thereof, is hereby fixed at Ninety Four Hundred and no/100 (\$9,400.00) Dollars per annum, payable in equal monthly installments.

Section 2. The salary of the said President of the County Commission, or other governing body, and the members of the County Commission, or other governing body other than the President thereof, now in effect shall remain the same until the expiration of the present term of their offices and the salary provided for in this Act shall take effect at the beginning of the next term of office of such officers.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective on the first Monday after the second Tuesday in January, 1959.

Approved September 9, 1955.

Time: 11:08 A.M.

Act No. 441

H. 941—Nice, Lackey, Vacca, Perry,
Kaul, Meeks, Edwards (Jef-
ferson)

AN ACT

To fix the salary of the Judge of the Juvenile & Domestic Relations Court of any County in this state having a population of more than 400,000 according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. At the beginning of his next term of office, the Judge of the Juvenile & Domestic Relations court of any county in this state having a population of more than 400,000 according to the last or any subsequent federal decennial census shall be paid a salary of \$9,000.00 per annum, which salary shall be paid out of the County Treasury, of any such County, in equal monthly installments.

Section 2. This act shall become effective upon its passage and approved by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 11:10 A.M.

Act No. 442

H. 942—Lackey, Meeks, Nice, Kaul,
Edwards (Jefferson), Perry

AN ACT

To provide for and fix the salaries of members of the commission or board of commissioners (including the president of such commission or board) of each city in the State of Alabama having a population of two hundred fifty thousand or more inhabitants according to the last or any succeeding federal census, and to fix the time and regulate the mode of payment of such salaries; To provide that this act shall become effective on the first Monday of November, 1957.

Be It Enacted by the Legislature of Alabama:

Section 1. The president of the commission or board of commissioners of any city having a population of two hundred fifty thousand or more inhabitants according to the last or any succeeding federal census shall receive an annual salary of twelve thousand five hundred (\$12,500.00) dollars payable in monthly installments at the end of each month, and each member of such commission or board other than the president, shall receive an annual salary of ten thousand eight hundred (\$10,800.00) dollars, payable in monthly installments at the end of each month, said installments to be paid at the same rate for any portion of the month during which the president or other member of such commission or board shall hold office at the rate above provided.

Section 2. All laws or parts of laws which may be in conflict with or inconsistent with the provisions of this act are hereby repealed.

Section 3. This Act shall become effective on the first Monday of November, 1957.

Approved September 9, 1955.

Time: 11:12 A.M.

Act No. 443

H. 943—Meeks, Lackey, Kaul, Nice, Perry,
Edwards (Jefferson), Vacca

AN ACT

TO FIX THE COMPENSATION OR SALARIES OF TAX ASSESSORS AND TAX COLLECTORS IN COUNTIES OF 500,000 INHABITANTS, OR MORE, ACCORDING TO THE LAST OR ANY SUBSE-

QUENT FEDERAL CENSUS; AND TO REQUIRE SUCH OFFICERS TO PAY IN TO THE COUNTY TREASURY OF SUCH COUNTY, OR COUNTIES, ALL FEES, COMMISSIONS, COSTS OR OTHER EMOLUMENTS WHICH ARE NOW ALLOWED BY LAW.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Tax Assessor and Tax Collector in all counties of 500,000 inhabitants, or more, according to the last or any subsequent Federal census, shall each be entitled to be paid out of the general fund of such county, or counties, the sum of nine thousand four hundred dollars (\$9,400.00) per annum, to be paid in equal monthly installments.

Section 2. That all fees, commissions, costs or other emoluments now allowed by law to such officers shall be, by such officers, collected and paid into the general fund of such county, or counties, as other moneys belonging to the county, or counties, are now paid.

Section 3. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Section 4. This Act shall become effective on October 1, 1955.

Approved September 9, 1955.
Time: 11:15 A.M.

Act No. 444

H. 944—Meeks, Lackey, Nice, Perry,
Edwards (Jefferson), Kaul

AN ACT

To provide for the selection, election and term of office of members of the governing body of any city which may now or hereafter have a population of 250,000 or more inhabitants according to the last or any succeeding federal census; to provide for the filling of vacancies on the governing body of any such city; to provide for the distribution of powers and duties into and among three departments of government and the assignment thereof among the members of the governing body of any such city; to provide that any person heretofore elected to the office of president of the commission or commissioner upon the governing body of any such city and assigned by the commission thereof to and serving as head of the Department of General Administration, Finances and Accounts or the Department of Public Improvements or the Department of Public Safety on the 31st day of December, 1954, shall not be subject to change in such assignment by the commission of such city; to provide that this Act shall not apply to any city governed under the provisions of Act No. 518 of the 1953 Session of the Legislature; to provide that all powers vested in any such city by this Act, by the laws general and local of the State and by Title 62, Code of Alabama of 1940, as amended, shall be vested in the commission of such city; to provide when the various provisions of this Act shall become applicable to any such city; to repeal all laws or parts of laws in conflict with the provisions of this Act; and to provide

for the severability of any section, clause, provision or portion of this Act should any such section, clause, provision or portion be held invalid by any court of competent jurisdiction.

Be It Enacted by the Legislature of Alabama:

Section 1. In any city which may now or hereafter have a population of 250,000 or more inhabitants according to the last or any succeeding federal census, there shall be in such city the office of president of the commission, the office of commissioner of public improvements, and the office of commissioner of public safety, and the holders of such offices shall be members of, and constitute the commission of such city. In such city there shall be elected on the second Monday in October, 1957 and every four years thereafter, a president of the commission, a commissioner of public improvements, and a commissioner of public safety, who shall assume the duties of the offices to which they have been elected on the first Monday in November following their election, and their term of office shall continue for an indefinite period not to exceed four years and until their successors are elected and qualified, provided, however, that such terms shall be subject to termination by recall as provided by law. In all elections held to choose the members of the commission, the ballots shall contain the phrase "For President of the Commission" and thereunder the names of the candidates for such office, and also the phrase "For Commissioner of Public Improvements" and thereunder the names of the candidates for such office, and also the phrase "For Commissioner of Public Safety" and thereunder the names of the candidates for such office. Candidates for election to the commission of such city shall designate which of the three offices on said commission they are seeking.

Section 2. Any person desiring to become a candidate at any election for any such office may become such candidate by filing in the office of the judge of probate of the county in which such city is situated, a statement in writing of such candidacy, accompanied by an affidavit taken and certified by such judge of probate or by a Notary Public that such person is duly qualified to hold the office for which he desires to be a candidate. Such statement shall be filed at least twenty-one days before the day set for such election and shall be in substantially the following form:

"STATE OF ALABAMA
..... COUNTY

I, the undersigned, being first duly sworn, depose and say that I am a citizen of the City of....., in said State and County, and reside at....., in said city....., that I desire to become a candidate for the office of..... in said city at

the election for said officer to be held on the day of October next and I am duly qualified to hold said office if elected thereto, and I hereby request that my name be printed upon the official ballot at said election.

Signed: Subscribed and sworn to before me by said on this day of , 19...., and filed in this office for record on said day. Judge of Probate."

Said statement shall be accompanied by a petition signed by at least two hundred persons who shall be qualified to vote at said election, requesting that such person become a candidate for said office at said election. The signers to said petition shall set forth their names in full and their residence addresses, and said petition shall be in substantially the following form:

"We, the undersigned duly qualified electors of the City of , and residing at the places set opposite our respective names, do hereby request that the name of be placed upon the official ballot as candidate for the office of in said city, at the election to be held in this city on the day of October next. We further state that we know said to possess the qualifications necessary for said office, and to be in our judgment a fit and proper person to hold said office. Witness our hands on this day of , 19...."

At every such election all ballots to be used by voters shall be printed and prepared by the election commission of such city, if there be such a commission and if there be no such commission then as otherwise provided by law, and at the expense of said city and shall contain the names of all candidates placed in alphabetical order directly underneath the words "For President of the Commission" and "For Commissioner of Public Improvements", and "For Commissioner of Public Safety", as the case may be. No name shall appear upon said ballot as a candidate for election except the names of such persons as have become candidates according to provisions as above set forth; no ballot shall be used at any such election, except the official ballot prepared by the election commission; provided, however, that in cities where voting machines are used, such official ballot shall be placed upon said voting machines as provided by laws applicable thereto. No person shall be a candidate for more than one office at any such election.

Section 3. At any election held under the provisions of this Act at which commissioners are elected, the candidate receiving a majority of votes cast for the office for which he or

she is a candidate shall be elected thereto. If in the first election no candidate for any specified office shall receive a majority of votes cast for candidates for such office, then a second election for such office shall be held on the same day one week later when the names of the two candidates receiving the highest number of votes cast in the first election for such office shall be placed upon the ballot, and the candidate receiving the highest number of votes for said office at the second election shall be elected to the said office.

Section 4. Every person who shall be elected to the office of president of the commission, or the office of commissioner of public improvements, or the office of commissioner of public safety of any such city shall on or before the first Monday of November following his election, if elected at a regular election, and as soon as practicable after his election, if elected at a special election, qualify by making oath that he is eligible for said office and will execute the duties of the same according to the best of his knowledge and ability. Said oath may be administered by any person authorized to administer an oath under the laws of Alabama.

Section 5. The president of the commission and the commissioner of public improvements and the commissioner of public safety, provided for by this act, shall be at least twenty-five years of age at the time of their election, and shall be duly qualified electors of such city, and they shall be elected by the vote of the legally qualified voters thereof. In case any person, after he shall have been elected and duly qualified as president of the commission or commissioner of public improvements or commissioner of public safety, shall be declared ineligible to hold such office, a successor shall be chosen, as in the case of vacancy caused by death, resignation or any other cause.

Section 6. Whenever any vacancy or vacancies shall occur in any office or offices on the commission of any such city by death, resignation, removal, or any other cause, the election commission of such city, if there be one, and if not, then the remaining member or members of the commission of such city shall forthwith call a special election to fill such vacancy or vacancies, such election to be held not less than twenty and not more than thirty days from the occurrence of such vacancy or vacancies. Notice of such election shall be given at the expense of such city by one publication at least eighteen days in advance of the same in one or more newspapers of general circulation published in such city. The method, procedure and requirements of qualifying, voting upon and determining the successful candidate or candidates shall be the same as provided in this act relative to the election of members of the commission of such city in quadrennial elections, except that statements of candidacy must be filed at least fifteen days before the date set

for such election. The successor to any member or members of the commission of any such city chosen at any such special election shall qualify for office as soon as practicable thereafter and shall be clothed with and assume the duties, responsibilities and powers of such office immediately upon such qualification, and shall hold office for the unexpired indefinite period of the predecessors term of office. Provided, however, anything in this act to the contrary notwithstanding, in any case where only one such vacancy exists upon the commission of any such city the election commission of such city, if there be one, and if not, then the remaining members of the city commission thereof may in its or their discretion, as the case may be, decline to call or order an election to fill such vacant office if a regular quadrennial election will be held for offices upon the commission of such city within six months from the date such vacancy occurs.

Section 7. The powers and duties in any such city shall be distributed into and among three departments as follows: Department of general administration, finances, and accounts; which department shall be especially charged with the administration of all legal affairs of the city, the purchase of supplies, the collection of taxes, licenses, and other sources of income, the expenditures of the city, the management of its sinking fund, the management and maintenance of all public buildings, parks, playgrounds, and public utilities, either owned and operated by the city or operated by private corporations under franchises or contracts with the city. Department of public improvements; which department shall have special supervision of all public improvements in such city, including the improvement and maintenance of streets and sidewalks, the building of viaducts, the construction of sewers, and the erection of all public buildings. Department of public safety; which shall have supervision over the fire and police departments and all things connected therewith. The powers and duties pertaining to each of said departments shall be fixed by the commission according to the general plan above outlined. The president of the commission shall be in charge of the department of general administration, finances and accounts; the commissioner of public improvements shall be in charge of the department of public improvements; and the commissioner of public safety shall be in charge of the department of public safety. The head of each such department shall supervise and control its operation subject to the authority of the commission as a whole, and shall exercise and perform the powers and duties prescribed by this subdivision and such additional duties as may be designated by the said commission. Any department of the city government not specifically assigned hereinabove to any one of the departments may by action of the commission be assigned or reassigned to any of said departments. The president of the commission shall be the

general executive officer of the city, and shall be charged with the general supervision and direction of its affairs. Each commissioner acting as the head of a department as provided herein shall give his entire time to the duties required of him as commissioner and the head of his department, and the power and authority of such commissioner as the head of his department shall be limited to the execution and enforcement of the laws and ordinances of such city pertaining to his department and the administration thereof, except the legislative powers which said commissioner shall have and may exercise at the regular or special meetings of said commission sitting as a legislative body. The commission of such city shall establish office hours for each department and all employees thereof shall be present during such hours for the performance of their duties therein; provided that health and quarantine matters and the public school system shall be administered in accordance with the established public health and public school system of the state.

Section 8. Any person heretofore elected to the office of president of the commission or commissioner of any such city or to any other office on the governing body of any such city shall continue to serve as such for the period of time for which he was elected and if he has been assigned by the commission or other governing body thereof as head of a department of general administration, finances and accounts or as the head of a department of public improvements or as the head of a department of public safety and was serving as the head of such department on the 31st day of December, 1954, he shall not be subject to change in such assignment by the commission of such city; provided, however, that any department of city government not specifically assigned by this act may be assigned or reassigned by the said commission as herein provided.

Section 9. This act shall not apply to any such city which may now or hereafter be governed by the council manager form of government provided for by the provisions of Act No. 518 of the 1953 Session of the Legislature of Alabama (General Acts 1953, page 652) so long as any such city is so governed.

Section 10. The president of the commission, the commissioner of public improvements and the commissioner of public safety, provided for by this act, shall be known as the "Commission of the City of _____," (the name of such city to be inserted).

Section 11. All powers of any such city, including all powers vested in it by this act, by the laws, general and local, of the state, and by Title 62 of the Code of Alabama of 1940, as amended, shall be vested in the commission of such city.

Section 12. Sections 8 and 9 of this act shall become applicable to any such city immediately upon this act becoming

a law. For the purpose of filing statements of candidacy as provided herein and for the election of persons to the offices of president of the commission, commissioner of public improvements and commissioner of public safety the provisions of this act shall become applicable to any such city upon the first day of September of the first year in which a quadrennial election is required to be held in such city under the provisions of section 1 hereof. For all other purposes the provisions of this act shall become applicable to any such city at the time when the first commission elected under the provisions hereof takes office.

Section 13. All laws or parts of laws in conflict with this act are hereby repealed.

Section 14. If any section, clause, provision, or portion of this act shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this act which is not in and of itself invalid or unconstitutional.

Approved September 9, 1955.

Time: 11:16 A.M.

Act No. 445

H. 945—Perry Lackey, Nice, Vacca
Kaul, Edwards (Jefferson)

AN ACT

To fix the compensation or salary of the Treasurer of all counties having a population of Five Hundred Thousand (500,000) or more according to the last or any subsequent Federal Census. To provide for the manner of payment thereof and to repeal all laws in conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary of the Treasurer of all counties having a population of Five Hundred Thousand (500,000) or more according to the last or any subsequent Federal census, is hereby fixed at Seventy Six Hundred Fifty and no/100 (\$7650.00) Dollars per annum, payable in equal monthly installments. The salary provided for herein shall be the entire compensation of the treasurer, in lieu of all other compensation.

Section 2. The salary of said treasurer now in effect shall remain the same until the expiration of the present term of office of such treasurer and the salary provided in this Act shall take effect at the beginning of the next term of office of such treasurer.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective on the first Monday after the second Tuesday in January, 1957.

Approved September 9, 1955.
Time: 11:18 A.M.

Act No. 446

H. 946—Meeks, Nice, Kaul, Perry, Vacca,
Lackey, Edwards (Jefferson)

AN ACT

To amend Section 788 of Title 37 of the 1940 Code of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 788 of Title 37 of the 1940 Code of Alabama be and the same hereby is amended to read as follows:

Section 788. Personnel of municipal planning commission; compensation; terms of office, etc. — The commission shall consist of nine members, namely, the mayor, one of the administrative officials of the municipality selected by the mayor, and a member of the council to be selected by it as members ex-officio, and six persons who shall be appointed by the mayor, if the mayor be an elective officer, otherwise by such officer as council may in the ordinance creating the commission designate as the appointing power; provided, however, that in any city having, according to the last or any succeeding federal census, a population of more than three hundred thousand inhabitants, the commission shall consist of sixteen members, namely, the mayor, one of the administrative officials of the municipality selected by the mayor, two members of the council to be selected by it, all as members ex-officio, and twelve persons who shall be selected by the council. All members of the commission shall serve as such without compensation, and the appointed members shall hold no other municipal office, except that one of such appointed members may be a member of the zoning board of adjustment or appeals. The terms of ex-officio members shall correspond to their respective official tenures, except that the term of the administrative official selected by the mayor shall terminate with the term of the mayor selecting him. The term of each appointed member shall be six years or until his successor takes office, except that the respective terms of five of the members first appointed shall be one, two, three, four, and five years; provided, however, that in any city having a sixteen-member commission as provided above, the respective terms of five pairs of the members first appointed by council shall be one, two, three, four and five years. Members other than the member selected by council may, after a public hearing, be removed by the mayor for inefficiency, neglect of duty, or malfeasance in office; provided, further, that in any city having a sixteen-member commission as provided above, members may, after a public hearing, be removed by council for any of the

above reasons or for continued failure to attend meetings. Council may for like cause remove the member or members selected by it. The mayor or council, as the case may be, shall file a written statement of reasons for such removal. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term by the mayor in the case of members selected or appointed by him, by council in the case of the councilmanic member or other members selected by it, and by the appointing power designated by council in municipalities in which the mayor is not an elective officer.

Approved September 9, 1955.

Time: 11:19 A.M.

Act No. 447

H. 947—Perry, Lackey, Nice, Vacca, Kaul, Meeks, Edwards (Jefferson).

AN ACT

To fix the compensation or salary of the Sheriff of all counties having a population of Four Hundred Thousand (400,000) or more according to the last or any subsequent Federal census. To provide for the manner of payment thereof and to repeal all laws in conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary of the sheriff of all counties having a population of Four Hundred Thousand (400,000) or more according to the last or any subsequent Federal census, is hereby fixed at Eleven Thousand and no/100 (\$11,000.00) Dollars per annum, payable in equal monthly installments. The salary provided for herein shall be the entire compensation of the sheriff, in lieu of all other compensation. All fees, commissions, percentages, and allowances collectible for the use of the sheriff shall be collected and paid into the general fund of the county.

Section 2. The salary of said sheriff now in effect shall remain the same until the expiration of the present term of office of such sheriff and the salary provided in this Act shall take effect at the beginning of the next term of office of such sheriff.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective on the first Monday after the second Tuesday in January, 1959.

Approved September 9, 1955.

Time: 11:20 A.M.

Act No. 448

H. 948—Meeks, Lackey, Kaul, Perry,
Vacca, Edwards (Jefferson),
Nice.

AN ACT

To increase the compensation of the Judge of any Court in the Counties of over 400,000 according to the last and any subsequent federal census where such judge is elected by the Circuit judges of such counties and said judge has original jurisdiction only to try misdemeanor cases and has jurisdiction as a committing magistrate in felony cases and has no authority to try civil cases nor domestic relation cases and also has jurisdiction in bastardy proceedings which increase is to begin at the beginning of the new term of office of said judge.

Be It Enacted by the Legislature of Alabama:

Section 1. That at the beginning of the new term of the Judge who has jurisdiction to try misdemeanor cases and has jurisdiction as a committing magistrate in felony cases and jurisdiction in bastardy proceedings in counties over 400,000 population according to the last or any subsequent census and does not have civil jurisdiction, and does not have jurisdiction of domestic relation cases and is elected by the Circuit Judges of such counties, the salary to be paid to such Judge in such county at the beginning of his new term of office shall be \$8,000 per annum which shall be paid out of the general treasurer of the county or counties having a population of over 400,000 according to the last or any subsequent federal census in equal monthly installments.

Section II. That this act shall become effective immediately upon its passage and approval by the governor or its otherwise becoming a law.

Approved September 9, 1955.

Time: 11:21 A.M.

Act No. 449

H. 949—Meeks, Edwards (Jefferson), Nice,
Vacca, Kaul, Lackey, Perry.

AN ACT

To fix the compensation or salary of the Deputy Circuit Clerk created under Title 13, Section 199 of the Code of Alabama 1940, for the division of the tenth judicial circuit described therein. To provide for the manner of payment thereof and to repeal all laws in conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary of the Deputy Circuit Clerk created under Title 13, Section 199 of the Code of Alabama 1940, for the division of the tenth judicial circuit described therein, is hereby fixed at Seven Thousand and no/100 (\$7,000.00) Dollars

per annum, payable in equal monthly installments. The salary provided for herein shall be the entire compensation of the Deputy Circuit Clerk, in lieu of all other compensation.

Section 2. The salary of said Deputy Circuit Clerk now in effect shall remain the same until the expiration of the present term of office of such Deputy Circuit Clerk and the salary provided in this Act shall take effect at the beginning of the next term of office of such Deputy Circuit Clerk.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective on the first Monday after the second Tuesday in January, 1959.

Approved September 9, 1955.

Time: 11:22 A.M.

Act No. 450

H. 958—Hanby, Hawkins

AN ACT

To fix the salaries of certain county officers in counties having a population of not less than eighty thousand nor more than ninety-four thousand inhabitants according to the 1950 federal census, or any subsequent federal census.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having a population of not less than eighty thousand nor more than ninety-four thousand inhabitants according to the 1950 federal census or any subsequent federal census.

Section 2. The following officers shall receive the following annual salaries in lieu of all other compensation:

- (a) Tax Assessor—Sixty-Six hundred dollars
- (b) Tax Collector—Sixty-Six hundred dollars
- (c) Judge of the County Court—sixty-six hundred dollars

Section 3. All fees, commissions, allowances, percentages, charges, and costs heretofore collected for the use of any of the officers enumerated in Section 2 of this Act shall be collected and paid into the general fund of the county.

Section 4. The compensation of the officers enumerated in Section 2 of this Act shall be paid in equal monthly installments as the salaries of other county officers and employees are paid.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. Subsections (a) and (b) of Section 2 of this Act shall become effective on October 1, 1955. Subsection (c) of Section 2 of this Act shall become effective on the first Monday after the second Tuesday in January, 1957.

Approved September 9, 1955.

Time: 11:23 A.M.

HOUSE JOINT RESOLUTION

Act No. 451

H. J. R. 78—Lee (Barbour)

RESOLVED BY THE HOUSE, THE SENATE CONCURRING, That the Committee appointed pursuant to HJR 43 approved July 26, 1955 (Act No. 157), be authorized and directed to continue its investigation in accordance with said HJR 43 after sine die adjournment of this session of the Legislature; provided, that said Committee shall not meet for more than five additional days and the members of the Committee shall serve without pay or allowances.

RESOLVED FURTHER, that the Alabama Public Service Commission is requested to furnish to the Committee, at its request, all books, reports, papers, and records pertaining to the operation and management of the United Telephone and Telegraph Company and the Clio Telephone Company and that the members of the Commission are requested to appear before said Committee to give such evidence and assistance as the Committee may require.

RESOLVED ALSO, that the Committee may incur expenses not exceeding two hundred dollars in carrying out their duties under this resolution, such expenses to be paid from appropriations made for the use of the Legislature, on requisitions approved by the Committee's chairman.

Approved September 9, 1955.

Time: 11:24 A.M.

Act No. 452

H. 974—Meeks, Nice, Edwards (Jefferson), Vacca, Perry, Lackey.

AN ACT

To provide a form of municipal government to be known as the Mayor-Council form of government, which may be adopted by any city in the State of Alabama having a population of more than 200,000 according to the last or any succeeding Federal or municipal census; to provide the method by which any such city may adopt the Mayor-Council form of government; to provide for the calling and holding of elections to vote thereon; to define and provide the legal status, form of government and powers of any such city under the Mayor-

Council form of government; to provide as the governing body of such city a city council; to provide for the number of members of the council, their election and terms of office; to provide the functions, duties, powers and authority of the city council; to provide for the election, appointment or designation of officers and employees of the city and for their qualifications, duties, functions, powers and authority; To provide for the election, term, qualifications and compensation of a Mayor and for the filling of vacancies in the office of Mayor and to provide the duties and authority of the Mayor; to provide for the control of the finances of such city; to provide for an annual budget, its preparation, submission, and adoption and the effect thereof; to create and define the powers, functions, duties and authority of the department of finance and the director of the department of finance; to regulate purchases and contracts of such city; to provide for the terms and effects of succession in government of any city adopting the Mayor-Council form of government; to make various other provisions for any such city which adopts the Mayor-Council form of government and for the government thereof; and to provide for the means of abandoning the Mayor-Council form of government and the adoption by the city of other forms of municipal government in lieu thereof.

Be It Enacted by the Legislature of Alabama:

Article 1. Adoption of Mayor-Council Form of Government—Election and Term of Council.

1.01. Cities to which Act applies.—Any City in the State of Alabama, which has a population of more than two hundred thousand, according to the last federal census, or which may hereafter have such population according to any federal or municipal census that may be taken hereafter, may adopt the Mayor-Council form of government by proceeding in the manner hereinafter in this Act provided.

1.02. Petition for election.—The filing of a petition signed by ten per cent (10%) or more of the qualified electors of such city, asking that the proposition of the adoption of the Mayor-Council form of government for such city be submitted to the qualified voters thereof, with the judge of probate of the county in which such city is located, shall mandatorily require an election to be held as herein provided. Whenever such a petition purporting to be signed by at least ten per cent (10%) of the qualified voters of such city shall be presented to such judge of probate, he shall examine such petition and determine whether or not the same is signed by at least ten per cent (10%) of the qualified voters of such city, and if such petition is signed by the requisite number of voters to require such an election, he shall within fifteen days from the receipt of such petition certify such fact to the mayor or other chief executive officer of the city for which such election is so petitioned, and the certificate of the judge of probate as to the sufficiency of said petition shall be final.

1.03. Call of election by mayor.—The mayor or other chief executive officer of such city shall immediately upon receipt of such certificate from the probate judge, by proclamation, sub-

mit the question of the adoption of the Mayor-Council form of government for such city, under this Act, at a special election to be held at a time specified in such proclamation, not less than forty days and not more than sixty days after the receipt of said certificate from said probate judge, unless a general or regular election is to be held within 90 days after receipt of such certificate, in which event the special election herein provided for shall be held at the same time as such general or regular election. Should the election not be called by proclamation within 10 days after receipt of his certificate, the judge of probate shall call such election by order at a time specified therein but not less than 40 days and not more than 60 days after the receipt by said mayor or other chief executive officer of the said certificate of the probate judge.

1.04. Second election not called within two years.—If the Mayor-Council form of government is not adopted at the special election so called, the question of adopting such form of government shall not be re-submitted to the voters of such city for adoption within two years thereafter, and then the question of adopting said form of government may be re-submitted in the manner above provided.

1.05. Proposition submitted; form of ballot.—At such election the proposition to be submitted shall be printed in plain prominent type on ballots separate and distinct from ballots used for any other office or question, and shall read as follows: "Shall the Mayor-Council form of government, as provided by the Mayor-Council Act of 1955, be adopted for the City of _____?"

"Yes _____."

"No _____."

The voter shall mark his ballot with a cross mark before or after the word which expresses his choice. No other proposition shall be submitted to the voters of such city upon this ballot. If voting machines are used at any voting place in such election, the above proposition may at the discretion of the election commission or other body or official having charge of the conduct of municipal elections in such city, be submitted as a separate proposition on voting machines so used.

1.06. Conduct, canvassing and declaration of result of election.—The election thereupon shall be conducted, the vote canvassed and the result declared in the same manner as provided by law in respect to other city elections in such city. If the majority of the votes shall be "yes" or in favor of such proposition, the provisions of this Act shall thereby be adopted for such city, and the election commission or other canvassing board or official shall transmit to the governor, to the secretary of

state, to the judge of probate of the county, and to the chief executive officer of the city, a certificate stating that such proposition was adopted by such city.

1.07. Election of first council and first Mayor; term of office.—Immediately upon the adoption of such form of government, the probate judge of the county with whom the petition was filed shall call an election to be held under and to be governed by this Act not less than ninety days nor more than one hundred twenty days after the date of such call, the expense thereof to be paid by such city, for the election at large of nine councilmen and a Mayor by the qualified voters of such city. The nine candidates for the council receiving a majority of the votes cast in said election shall be elected to the council; and in the event that nine candidates should fail to receive such a majority, then and in that event those candidates for the council receiving a majority shall be elected, and another election shall be held upon the same day of the week four weeks thereafter to be called and held in the same mode and manner and under the same rules and regulations. In the second election there shall be two candidates for each place upon the council to be filled in such second election; and these candidates shall be the ones who received the highest number of votes but who were not elected at the first election. The candidate or candidates for the council receiving the highest number of votes cast in the second election shall be elected, so that in the first and second elections only nine councilmen shall be elected. The terms of office of such candidates so elected shall commence immediately upon their election and qualification. The four such councilmen so elected receiving the largest number of votes in the first election, if at least four councilmen are elected thereat, shall hold office until the second Tuesday in November of that year ending in an odd number which would give them a term of office most closely approximating four years and until their successors are elected and qualify. If four councilmen are not elected at the first election, then those who are elected at such second election and the councilmen receiving the highest vote at the second election sufficient to bring the total number of such councilmen to four, shall hold office as provided in the preceding sentence. The remaining five such councilmen so elected shall hold office until the second Tuesday in November of that year ending in an odd number which would give them a term of office most closely approximating two years and until their successors are elected and qualify. The candidate for mayor receiving the largest number of votes for the office at the first election shall be elected thereto, provided such candidate receives a majority of all votes cast for such office. If at the first election no candidate received a majority of the votes cast for the office of mayor at such election, then another election shall be held upon the same day of the week four weeks

thereafter to be called and held in the same mode and manner and under the same rules and regulations. In the second election there shall be two candidates for the office of mayor; and these candidates shall be the two who received the highest number of votes for said office at the first election.

1.08. The Council.—The councilmen provided for in this article shall be known collectively as the Council of the City of _____ (Name of said city to be inserted) and shall have the powers and duties hereinafter provided. The councilmen first elected shall qualify and take office in the manner hereinafter prescribed on the second Monday following the date the election of all nine councilmen is completed, and thereupon such city shall at that time and thereby be and become organized under the mayor-council form of government provided under this Act, and shall thereafter be governed by the provisions of this Act.

Article II. Legal Status; Form of Government; Powers.

2.01. Legal Status.—Any such city which adopts the mayor-council form of government shall continue its existence as a body corporate under the name of “City of _____” (inserting the name of such city). The word “city” as hereinafter used shall mean and refer to any city which has adopted the mayor-council form of government. The city shall continue as a municipal corporation, within the corporate limits as then established, and as thereafter fixed in the manner prescribed by law, subject to all the duties and obligations then pertaining to or incumbent upon it as a municipal corporation and shall continue to enjoy all the rights, immunities, powers and franchises then enjoyed by it, as well as those that may thereafter or hereinafter be granted to it.

2.02. Form of Government.—The municipal government of any such city proceeding under this Act shall be known as the “mayor-council form of government.” Pursuant to the provisions and limitations of this Act and subject to the limitations imposed by the Constitution of Alabama and its laws, all powers of the city shall be vested in the council elected as herein provided and hereinafter referred to as “the council,” which shall enact ordinances, adopt budgets and determine policies. All powers of the city shall be exercised in the manner prescribed by this Act, or if the manner be not prescribed, then in such manner as may be prescribed by law or by ordinance.

2.03. Powers of city.—The city shall have all the powers granted to municipal corporations and to cities by the Constitution and laws of this State together with all the implied powers necessary to carry into execution all the powers granted. The city may acquire property within or without its corporate limits for any city purpose, in fee simple or any lesser interest

or estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interests may require; and, except as prohibited by the Constitution of this State or restricted by this Act, the city shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The enumeration of particular powers by this Act shall not be deemed to be exclusive, and in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the city shall have and may exercise all powers which, under the Constitution of this State, it would be competent for this Act specifically to enumerate.

Article III. The Council.

3.01. Number, election, term.—The council shall have nine members elected from the city at large in the manner herein-after provided, five of whom shall be elected at an election held each two years. The regular election at large for the choice of such five members of the council shall be held on the second Tuesday in October of the year during which the term of the five members of the first council elected under the provisions of Section 1.07 hereof for the term most closely approximating two years shall expire, and every two years thereafter. The five persons receiving a majority of the votes cast in any such election shall be elected to the council; and in the event that five persons should fail to receive such a majority, then and in that event those persons receiving a majority shall be elected, and another election for the choice of the remainder of the five members of the council to be elected shall be held on the third Tuesday thereafter in the same mode and manner and under the same rules and regulations provided in Section 1.07 hereof with respect to the election of the first council. The council so elected shall take office on the second Tuesday in November following their election. The four such councilmen of the five so elected receiving the largest number of votes at the first election if at least four councilmen are elected thereat, shall hold office for a term of four years and until their successors are elected and qualified. If four councilmen are not elected at the first election, then those who are elected at such election and the councilmen receiving the highest vote at the second election sufficient to bring the total number of such councilmen to four, shall hold office as provided in the preceding sentence. The fifth such councilman elected at either the first or second election shall hold office for a term of two years and until his successor is elected and qualifies. Elections shall, except as otherwise herein provided, be governed by the general provisions of law relating to municipal elections of such city. No voter shall vote in said election or in any other election provided for by this Act for either a greater or lesser number of candidates than the

number of seats in the council to be filled at such election, and any violation of this provision shall nullify the ballot of the violator. A majority of the votes cast in any election held under this Act shall mean an excess of number of votes over a number ascertained by dividing the total vote cast for all candidates by the number of seats in council to be filled, and then dividing the result by two.

3.02. Statement of candidacy.—Any person desiring to become a candidate at any election for the office of councilman may become such candidate by filing in the office of the judge of probate of the county in which such city is situated, a statement in writing of such candidacy, accompanied by an affidavit taken and certified by such judge of probate or by a notary public that such person is duly qualified to hold the office for which he desires to be a candidate. Such statement shall be filed at least twenty-one days before the day set for such election and shall be in substantially the following form: "State of Alabama, _____ County. I, the undersigned, being first duly sworn, depose and say that I am a citizen of the City of _____, in said State and County, and reside at _____ in said city of _____, that I desire to become a candidate for the office of councilman in said city at the election for said office to be held on the _____ day of October next and that I am duly qualified to hold said office if elected thereto and I hereby request that my name be printed upon the official ballot at said election. Signed _____; Subscribed and sworn to before me by said _____ on this _____ day of _____, 19____, and filed in this office for record on said day. _____, Judge of Probate." Said statement shall be accompanied by a petition signed by at least one hundred persons who shall be qualified to vote at said election, requesting that such person become a candidate for said office at said election. The signers to said petition shall set forth their names in full and their residence addresses, and said petition shall be in substantially the following form: "We, the undersigned, duly qualified electors of the City of _____, and residing at the places set opposite our respective names, do hereby request that the name of _____ be placed upon the official ballot as a candidate for the office of councilman in said city, at the election to be held in this city on the _____ day of October next. We further state that we know said _____ to possess the qualifications necessary for said office, and to be in our judgment a fit and proper person to hold said office. Witness our hands on this the _____ day of _____, 19____." At every such election all ballots to be used by voters shall be printed and prepared by the election commission or other body or official charged by law with the duty of conducting elections and at the expense of said city, and shall contain the names of all candidates directly underneath the words "For members of the council." No name

shall appear upon said ballot as a candidate for election except the names of such persons as have become candidates according to provisions as above set forth; no ballot shall be used at any such election except the official ballot prepared by the election commission or other body or official charged by law with the duty of conducting elections, except that the names of candidates may be suitably placed on voting machines if such machines are used to conduct such election. No primary election shall be held for the nomination of candidates for the office of councilman, and candidates shall be nominated only by petition as hereinabove provided.

3.03. Qualification.—Every person who shall be elected or appointed to the office of member of the council, shall, on or before the second Tuesday of November following his election or before the Tuesday following the date of his appointment qualify by making oath that he is eligible for said office and will execute the duties of same according to the best of his knowledge and ability. Said oath may be administered by any person authorized to administer an oath under the laws of Alabama.

3.04. Eligibility.—Councilmen shall be qualified electors of the city, at least twenty-five years of age at the time of their election, and shall hold no other public office except that of notary public or member of the National Guard or naval or military reserve. If a councilman shall cease to possess any of these qualifications or shall be convicted of crime involving moral turpitude, his office shall immediately become vacant.

3.05. Compensation.—Each councilman shall receive as compensation for his services as such the sum of Twenty Dollars for each meeting of the council attended, provided that the total of such compensation except in the first year the mayor-council form of government is adopted by such city shall not exceed Twelve Hundred Dollars per annum.

3.06. Presiding officer.—The council shall elect an officer of the city who shall have the title of President of the Council and shall preside at meetings of the council. The council shall also elect a President pro tem, who shall act as President of the Council during the absence or disability of the President. The terms of office of the President and the President pro tem shall be until the councilmen shall qualify following the next succeeding biennial election. If a vacancy shall occur in the office of President of the Council, the council shall elect a successor for the completion of the unexpired term. Both the President of the Council and the President pro tem shall be elected from among the councilmen.

3.07. Powers.—All powers of the city, including all powers vested in it by this Act, by the laws, general and local, of the

State, and by Title 62 of the Code of Alabama of 1940, as amended, and the determination of all matters of policy, shall be vested in the council. Without limitation of the foregoing, the council shall have power to:

(a) Establish administrative departments and distribute the work of divisions.

(b) Adopt the budget of the city.

(c) Authorize the issuance of bonds or warrants.

(d) Inquire into the conduct of any office, department or agency of the city and make investigations as to municipal affairs.

(e) Appoint the members of all boards, commissions or other bodies authorized hereunder or by law. This provision for appointment of members of boards, commissions or other bodies authorized hereunder or by law shall supersede any different provision for appointment of such members contained in any statute or ordinance in effect at the time of adoption by the city of the Mayor-Council form of government set up by this Act, and shall include power to remove any member of any board, commission or body to the same extent as might be done by the governing body of the city at the time of adoption by the city of the mayor-council form of government set up by this act and to appoint another in his stead. And wherever in any statute in effect at the time of adoption by the city of said mayor-council form of government the chief executive officer of the city is designated to act in any capacity ex-officio, the mayor shall act.

(f) Succeed to all the powers, rights and privileges conferred upon the former governing body of the city by statutes in effect at the time of adoption by the city of the mayor-council form of government and not in conflict with this Act.

(g) Levy property and license taxes and local improvement assessments.

3.08. Council not to interfere in appointments or removals.—Neither the council nor any of its members shall direct or request the appointment of any person to, or his removal from, office or position by the mayor or by any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the city. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the mayor and neither the council nor any member thereof shall give orders to any subordinates of the mayor, either publicly or privately. Any councilman violating the provisions of this Section, or voting for a resolution or ordinance in violation of this

Section, shall be guilty of a misdemeanor and upon conviction thereof shall cease to be a councilman.

3.09. Vacancies in council.—Vacancies in the council shall be filled by the council at the next regular meeting or any subsequent meeting of the council, the person so elected to hold until the next biennial election for councilmen at which time, if the term of such councilman shall not have expired, a member shall be elected for the remainder of the unexpired term. The councilman to be elected for such unexpired term shall be the candidate who receives the highest number of votes next below the fifth councilman elected in the manner provided in Section 3.01 of this Act.

3.10. Creation of new departments or offices; change of duties.—The council by ordinance may create, change, and abolish offices, departments or agencies, other than the offices, departments and agencies established by this Act. The council by ordinance may assign additional functions or duties to offices, departments or agencies established by this Act, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this Act to a particular office, department or agency.

3.11. City Clerk.—If the City Clerk of any city which adopts the mayor-council form of government holds office subject to any civil service or merit system, such clerk shall continue to be the city clerk under the mayor-council form of government of such city, and his successor shall be selected and hold office subject to the provisions of such civil service or merit system. If the city clerk of any city which adopts the mayor-council form of government does not hold office subject to any civil service or merit system, the council shall elect the city clerk. The city clerk shall give notice of special or called meetings of the council, shall keep the journal of its proceedings, shall authenticate by his signature and record in full in a book kept for the purpose all ordinances and resolutions and shall perform such other duties as shall be required by this Act or by ordinance, and such duties as are imposed by general law of Alabama upon city clerks and as to which other provisions are not made in this Act.

3.12. Induction of council into office; meetings of council.—The first meeting of each newly elected council for induction into office, shall be held at ten o'clock in the morning on the second Tuesday in November next following its election, after which the council shall meet regularly at such times as may be prescribed by its rules, but not less frequently than once a week. All meetings of the council shall be open to the public.

3.13. Council to be judge of qualifications of its members.—The council shall be the judge of the election and qualifications

of its members and for such purpose shall have power to subpoena witnesses and require the production of records, but the decision of the council in any such case shall be subject to review by the courts.

3.14. Rules of procedure; journal.—The council shall determine its own rules and order of business. It shall keep a journal of its proceedings and the journal shall be open to public inspection.

3.15. Meetings, passage of ordinances, etc.—The council shall hold regular public meetings on Tuesday of each and every week at a regular hour to be fixed by the order of said council from time to time and publicly announced; it may hold such adjourned, called, special or other meetings as the business of the city may require. The President of the council when present shall preside at all meetings of said council. Five members of the council shall constitute a quorum for the transaction of any and every power conferred upon said council, and the affirmative vote of at least four members of the council shall be necessary and sufficient for the passage of any resolution, by-law or ordinance, or the transaction of any business of any sort by the said council or the exercise of any of the powers conferred upon it by the terms of this Act or by law or which may hereafter be conferred upon it. No resolution, by-law or ordinance granting any franchise, appropriating any money for any purpose, providing for any public improvements, any regulation concerning the public health, or of any other general or permanent nature except the proclamation of quarantine, shall be enacted except at a regular public meeting of said council or an adjournment thereof. Every ordinance introduced at any and every such meeting shall be in writing and read before any vote thereon shall be taken, and the yeas and nays thereon shall be recorded; provided that if the vote of all councilmen present be unanimous it may be so stated in the journal without recording the ayes and nays. A record of the proceedings of every meeting of the council shall be kept, and every resolution or ordinance passed by the council must be recorded and the record of the proceedings of the meeting shall, when approved by the council, be signed by the President of the council and the city clerk. Such record shall be kept available for inspection by all citizens of such city at all reasonable times. No ordinance of permanent operation shall be passed at the meeting at which it was introduced except by unanimous consent of all members of the council present, and such unanimous consent shall be shown by the aye and nay votes entered upon the minutes of said meeting, provided, however, that if all members of the council present vote for the passage of the ordinance and their names are so entered of record as voting in favor thereof, it shall be construed as giving unanimous consent to the action upon

such ordinance at the meeting at which it is introduced. Publication of ordinances shall be governed by Alabama Code of 1940, Section 462, as amended, Title 37.

3.16. Granting of franchises.—No resolution or ordinance, granting to any person, firm or corporation any franchise, lease or right to use the streets, public highways, thoroughfares, or public ways of any city organized under the provisions of this Act, either in, under, upon, along, through, or over same shall take effect and be enforced until thirty days after the final enactment of same by the council and publication of said resolution or ordinance in full once a week for three consecutive weeks in some daily newspaper published in said city, which publication shall be made at the expense of the persons, firm or corporation applying for said grant. Pending the passage of any such resolution or ordinance or during the time intervening between its final passage, and the expiration of the thirty days during which publication shall be made as above provided, the legally qualified voters of said city may, by written petition or petitions addressed to said council, object to such grant, and if during such period such written petition or petitions signed by at least five per cent (5%) of the legally qualified voters of the city shall be filed with said council, said council shall forthwith order an election, which shall be conducted by the election commission of the city or other body or official charged with the duty of conducting elections therein, at which election the legally qualified voters of said city shall vote for or against the proposed grant as set forth in the said resolution or ordinance. In the call for said election, the said resolution or ordinance making such grant shall be published at length and in full at the expense of the city in at least two newspapers published in said city by one publication. If a majority of the votes cast at such election shall be against the passage of said resolution or ordinance, then and in those events, said resolution or ordinance shall not become effective nor shall it confer any rights, powers or privileges of any kind; otherwise, said resolution or ordinance and said grant shall thereupon become effective as fully and to the same extent as if said election had not been called or held. If, as the result of said election, said resolution or ordinance shall not become effective, then it shall be the duty of said council, after the results of said election shall be determined, to pass a resolution or ordinance to that effect. No grant of any franchise or lease or right of user, or any other right, in, under, upon, along, through, or over the streets, public highways, thoroughfares or public ways of any such city, shall be made or given nor shall any such rights of any kind whatever be conferred upon any person, firm or corporation, except by resolution or ordinance duly passed by the council at some regular or adjourned regular meeting and published as above provided for in this Section; nor shall any extension

or enlargement of any such rights or powers previously granted be made or given except in the manner and subject to all the conditions herein provided for as to the original grant of same. It is expressly provided, however, that the provisions of this Section shall not apply to the grant of side track or switching privileges to any railroad or street car company for the purpose of reaching and affording railway connections, and switch privileges to the owners or users of any industrial plant, store or warehouse; provided further, that said side track or switch shall not extend for a greater distance than one thousand, three hundred twenty feet.

3.17. Codification authorized.—The council may provide at any time it may deem proper, for the revision and codification of its ordinances, by-laws, and permanent resolutions, or for the adoption of a code or codes by ordinance. Such code or codes and the revisions or amendments thereof may relate to the whole system of city by-laws, ordinances and permanent resolutions, or may relate to that portion of such ordinances, by-laws and permanent resolutions which relate to, affect or purport to govern any particular subject or subjects or subdivisions of municipal legislation. The council shall have full power and authority to prescribe the manner in which said code or codes, revisions or amendments thereto, shall be made public, whether by proclamation of any officer or officers of said city by posting or by publication, one or all, but it shall not be necessary unless so prescribed by the council for such code or codes, revisions or amendments thereto, to be published in a newspaper or newspapers. Nor shall it be necessary that such code or codes, revisions or amendments thereto, be spread at length upon the minutes. The council may prescribe that such code or codes, revisions or amendments thereto may be certified by and filed with the city clerk, or other corresponding officer, in lieu of spreading the same on the minutes; and the council may prescribe the manner in which copies of such code or codes, revisions, or amendments thereto, may be officially certified for use by the inhabitants or by the courts. The council may adopt and provide for the maintenance in a designated office of the city of a comprehensive zone map of the city open for inspection by the public at all reasonable times, and may make such zone map a part of any ordinance by reference thereto in such ordinance and without publication of such zone map in any newspaper. Such zone map need not be in one piece but may for convenience be in sections. A zone map of territory newly added to the city shall be treated as a comprehensive zone map of the city for purposes of application of the provisions of the next preceding sentence.

3.18. Examination of books and publication of accounts.—The council shall each month print in pamphlet form a detailed

statement of all receipts and expenses of the city, and a summary of its proceedings during the preceding month, and furnish printed copies thereof to the daily newspapers of the city and to persons who apply therefor. At the end of each year, the council shall cause a full and complete examination of all the books and accounts of the city to be made by a certified public accountant, or by the state department of examiner of public accounts, and shall cause the result of such examination to be published in the manner above provided for publication of statements of monthly expenditures. Such examination shall not be made two years in succession by the same accountant.

Article IV. Mayor.

4.01. The mayor, election, term, qualification.—The first mayor shall be elected at the same election at which the councilmen are elected under the provisions of Section 1.07 of this Act and shall hold office until the second Tuesday in November of that year ending in an odd number which would give him a term of office most closely approximating four years and until his successor is elected and qualified. The first mayor shall qualify and take office in the manner hereinafter prescribed on the second Monday following the date the election of all nine councilmen is completed or on the second Monday following the election of such mayor whichever last occurs. The regular election for mayor shall be held on the second Tuesday in October of the year during which the term of the first mayor elected hereunder terminates and every four years thereafter. The mayor elected at any such regular election, shall, on or before the second Tuesday of November following his election qualify by making oath that he is eligible for said office and will execute the duties of same according to the best of his knowledge and ability. Said oath may be administered by any person authorized to administer an oath under the laws of Alabama. At any election for mayor the candidate receiving the highest number of votes for the office shall be elected thereto, provided such candidate receives a majority of all votes cast for such office. If at the first election a majority is not received by any candidate for the office of mayor, then a second election shall be held on the third Tuesday thereafter in the same mode and manner and under the same rules and regulations provided in Section 1.07 hereof with respect to the election of the first mayor.

4.02. Statement of candidacy.—Any person desiring to become a candidate at any election for the office of mayor may become such candidate by filing in the office of the judge of probate of the county in which such city is situated, a statement in writing of such candidacy, accompanied by an affidavit taken and certified by such judge of probate or by a notary public that such person is duly qualified to hold the office for

which he desires to be a candidate. Such statement shall be filed at least twenty-one days before the day set for such election and shall be in substantially the following form: "State of Alabama, _____ County. I, the undersigned, being first duly sworn, depose and say that I am a citizen of the City of _____, in said State and County, and reside at _____ in said city of _____, that I desire to become a candidate for the office of mayor in said city at the election for said office to be held on the _____ day of October next and that I am duly qualified to hold said office if elected thereto and I hereby request that my name be printed upon the official ballot at said election. Signed _____; Subscribed and sworn to before me by said _____ on this _____ day of _____, 19 _____, and filed in this office for record on said day. _____, Judge of Probate." Said statement shall be accompanied by a petition signed by at least one hundred persons who shall be qualified to vote at said election, requesting that such person become a candidate for said office at said election. The signers to said petition shall set forth their names in full and their residence addresses, and said petition shall be in substantially the following form: "We, the undersigned, duly qualified electors of the City of _____, and residing at the places set opposite our respective names, do hereby request that the name of _____, be placed upon the official ballot as a candidate for the office of mayor in said city, at the election to be held in this city on the _____ day of October next. We further state that we know said _____ to possess the qualifications necessary for said office, and to be in our judgment a fit and proper person to hold said office. Witness our hands on this the _____ day of _____, 19 _____." At every such election all ballots to be used by voters shall be printed and prepared by the election commission or other body or official charged by law with the duty of conducting elections and at the expense of said city, and shall contain the names of all candidates directly underneath the words "For mayor." No name shall appear upon said ballot as a candidate for election except the names of such persons as have become candidates according to provisions as above set forth; no ballot shall be used at any such election except the official ballot prepared by the election commission or other body or official charged by law with the duty of conducting elections, except that the names of candidates may be suitably placed on voting machines if such machines are used to conduct such election. No primary election shall be held for the nomination of candidates for the office of mayor and candidates shall be nominated only by petition as hereinabove provided.

4.03. Eligibility.—The mayor shall be a qualified elector of the city, at least twenty-five years of age at the time of his election and shall hold no other public office.

4.04. Compensation.—The mayor shall receive an annual salary of Fifteen Thousand Dollars, payable in monthly installments at the end of each month, said installments to be paid at the same rate for any portion of the month during which the mayor shall hold office at the rate thus provided.

4.05. Vacancy in office of mayor.—Whenever any vacancy in the office of mayor shall occur by reason of death, resignation, removal, or any other cause, the election commission of the city, if there be one, and if not, then, the council thereof shall forthwith call a special election to fill such vacancy, such election to be held not less than twenty and not more than thirty days from the occurrence of such vacancy. Notice of such election shall be given at the expense of the city by one publication at least eighteen days in advance of the same in one or more newspapers published in such city. The method, procedure and requirements of qualifying, voting upon and determining the successful candidate shall be the same as is provided herein relative to the election of the mayor at regular elections, except that statements of candidacy must be filed at least fifteen days before the date set for such election. The successor to the mayor chosen at any such election shall qualify for office as soon as practicable thereafter, and shall be clothed with and assume the duties, responsibilities, and powers of such office immediately upon such qualification, and shall hold office for the unexpired term of his predecessor.

4.06. The mayor; powers and duties.—The mayor shall be the head of the administrative branch of the city government. He shall not sit with the council nor shall he have a vote in its proceedings and he shall have the power and duties herein conferred. He shall be responsible for the proper administration of all affairs of the city and, subject to the provisions of any civil service or merit system law applicable to such city and except as otherwise provided herein, he shall have power and shall be required to:

(1) Enforce all laws and ordinances;

(2) Appoint and, when necessary for the good of the service, remove all officers and employees of the city except as otherwise provided by this Act and except as he may authorize the head of a department or office to appoint and remove subordinates in such department or office; provided that he shall not appoint or remove officers and employees of:

(a) any library board of the city;

(b) any board of the city having control over any park, recreation facility, fair or exhibit;

(c) any municipally-owned public utility, including electric, gas and water systems, while such utility is operating under a

board constituted by law or required by the terms of any indenture, mortgage or deed of trust providing for employment by other authority;

(d) any school board of the city;

(e) any planning board or zoning board of the city;

(3) Exercise administrative supervision and control over all departments created by this Act or by law or hereafter created by the council except those enumerated in sub-divisions (a) to (e) inclusive of subsection (2) of this section, and except those otherwise given independent status under this Act.

(4) Keep the council fully advised as to the financial conditions and needs of the city; prepare and submit the budget annually to the council and be responsible for its administration after its adoption; prepare and submit, as of the end of the fiscal year, a complete report on the financial and administrative activities of the city for such year.

(5) Recommend to the council such actions as he may deem desirable.

(6) Prepare and submit to the council such reports as may be required of him.

(7) Perform such other duties as may be prescribed by this Act.

(8) Fix the salaries or compensation of all officers and employees of the city who are appointable by him, subject, however, to the provisions of any civil service or merit law applicable to the city.

4.07. Administrative departments.—There shall be a department of finance, and such other departments as may be established by ordinance upon the recommendation of the mayor.

4.08. Directors of departments.—At the head of each department there shall be a director, who shall be an officer of the city and shall have supervision and control of the department subject to the mayor. Two or more departments may be headed by the same individual, the mayor may head one or more departments, and directors of departments may also serve as chiefs of divisions.

4.09. Departmental divisions.—The work of each department may be distributed among such divisions thereof as may be established by ordinance upon the recommendation of the mayor. Pending the passage of an ordinance or ordinances distributing the work of departments under the supervision and control of the mayor among specific divisions thereof, the mayor may establish temporary divisions.

Article V. Budget.

5.01. Fiscal Year.—The fiscal year of the city government shall begin on the first day of September and shall end on the last day of August of each calendar year. Such fiscal year shall also constitute the budget and accounting year. As used in this Act, the term “budget year” shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

5.02. Submission of Budgets.—On a day to be fixed by the council but in no case later than the 20th day of July in each year, the mayor shall submit to the council:

(a) a separate current revenue and expense budget for the general operation of the city government, to be known as the “general fund budget”;

(b) a budget for each public utility owned and operated by such city;

(c) a capital budget; and

(d) a budget message.

When submitting the budgets to the council, the mayor shall submit his recommendation of new sources of revenue or manner of increasing existing sources of revenue, sufficient to balance the budgets, if such additional revenue is necessary to accomplish that purpose.

5.03. Preparation of Budgets.—It shall be the duty of the head of each department, and each other office or agency supported in whole or in part by the city, to file with the Director of Finance, at such time as the mayor may prescribe, estimates of revenue and expenditure for that department, office or agency for the ensuing fiscal year. Such estimates shall be submitted on the forms furnished by the Director of Finance and it shall be the duty of the head of each such department, office or agency, to supply all the information which the Director of Finance may require to be submitted thereon. The Director of Finance shall assemble and compile these estimates and supply such additional information relating to the financial transactions of the city as may be required by the mayor in the preparation of the budgets. The mayor shall hold such hearings as he may deem advisable and with the assistance of the Director of Finance shall review the estimates and other data pertinent to the preparation of the budgets and make such revisions in such estimates as he may deem proper, subject to the laws of the State of Alabama and any municipal ordinance relating to obligatory expenditures for any purpose.

5.04. Scope of General Fund Budget.—The general fund budget shall include only the net amounts estimated to be

received from or to be appropriated to each public utility. The general fund budget shall be prepared in accordance with accepted principles of municipal accounting and budgetary procedure and techniques, and shall show:

(a) such portion of the general fund cash surplus as it is estimated will exist, at the end of the current fiscal year, and is proposed to be used for meeting expenditures in the general fund budget for the ensuing year;

(b) an estimate of the receipts from current ad valorem taxes on real estate and tangible personal property during the ensuing fiscal year, assuming that the percentage of the levy collected be no greater than the average percentage of the levy collected in the last three completed tax years;

(c) an estimate of receipts from all other sources of revenue, provided that the estimated receipts from each such source shall not exceed the percentage of estimated revenue in the current fiscal year from the same source, over the amount of the revenue received from the same source, in the last completed fiscal year, unless a law or ordinance under which revenue from any source is derived, has been amended or a new source of revenue has been provided by law or ordinance, in the course of the current year, in which case the estimated receipts from that source may be fixed by the mayor. If additional revenue is to be derived from the State, the amount fixed by the mayor shall not exceed the amount which the proper State official shall certify in writing to be the reasonable expectation of receipts from such source;

(d) a statement to be furnished by the Director of Finance of the debt service requirements for the ensuing year;

(e) an estimate of the general fund cash deficit, if any, at the end of the current fiscal year and of any other obligations required by law to be budgeted for the ensuing fiscal year;

(f) an estimate of expenditures and appropriations for all other purposes to be met from the general fund in the ensuing fiscal year. All the estimates shall be in detail showing receipts by sources and expenditures by operating units, character and object, so arranged as to show receipts and expenditures as estimated for the current fiscal year and actual receipts and expenditures for the last preceding fiscal year, in comparison with estimated receipts and recommended expenditures for the ensuing fiscal year.

5.05. A Balanced Budget.—In no event shall the expenditures recommended by the mayor in the general fund budget exceed the receipts estimated, taking into account the estimated cash surplus or deficit at the end of the current fiscal year, as provided in the preceding section, unless the mayor shall

recommend an increase in or levy of new or increased, taxes or licenses within the power of the city to levy and collect in the ensuing fiscal year, the receipts from which, estimated on the basis of the average experience with the same or similar taxes during the three full tax years last past, will make up the difference. If estimated receipts exceed estimated expenditures, the mayor may recommend revisions in the tax and license ordinances of the city in order to bring the general fund budget into balance. The same balanced budget restrictions shall apply in the adoption of any public utility budget.

5.06. **The Budget Message.**—The budget message shall contain the recommendations of the mayor concerning the fiscal policy of the city, a description of the important features of the budget plan, an explanation of all salient changes in each budget submitted, as to estimated receipts and recommended expenditures as compared with the current fiscal year and the last preceding fiscal year, and a summary of the proposed budget showing comparisons similar to those required by Section 5.04 above.

5.07. **Availability of Budgets for Inspection and Publication of the Budget Message.**—The mayor shall cause the budget message to be printed, mimeographed or otherwise reproduced for general distribution at the time of its submission to the council, and sufficient copies of the proposed general fund, public utility and capital budgets to be made, to supply copies to each member of the council and each daily newspaper of general circulation published in the city, and two copies to be deposited in the office of the city clerk where they shall be open to public inspection during regular business hours.

5.08. **Publication of Notice of Public Hearing.**—At the meeting of the council at which the budget and budget message are submitted, the council shall determine the place and time of the public hearing on the budget, and shall cause to be published a notice of the place and time, not less than seven days after the date of publication, at which the council will hold a public hearing. Publication shall be made at least once in a daily newspaper published and of general circulation in the city. At the time and place so advertised, or at any time and place to which such public hearing shall from time to time be adjourned, the council shall hold a public hearing on the budget as submitted, at which any citizen of the city shall be given an opportunity to be heard, for or against the estimates or any item thereof.

5.09. **Action by the council on the general fund budget.**—After the conclusion of the public hearing the council may insert new items of expenditures or may increase, decrease or strike out items of expenditure in the general fund budget, except that no item of expenditure for debt service, or any other item

required to be included by this Act or other provision of law, shall be reduced or stricken out. The council shall not alter the estimates of receipts contained in the said budget except to correct omissions or mathematical errors and it shall not cause the total of expenditures as recommended by the mayor to be increased without a public hearing on such increase, which shall be held not less than three days after notice thereof by publication in a newspaper of general circulation published in the city. The council shall in no event adopt a general fund budget in which the total of expenditures exceeds the receipts and available surplus, estimated as provided in Section 5.04 of this Act, unless at the same time it adopts measures for providing additional revenue in the ensuing fiscal year, estimated as provided in Sections 5.02 and 5.05 of this Act, sufficient to make up the difference.

5.10. Adoption of General Fund Budget.—Not later than the 20th day of August of the current fiscal year, the council by a majority vote shall adopt the general fund budget, and such ordinances providing for additional revenue as may be necessary to put the budget in balance. If for any reason the council fails to adopt the general fund budget on or before such day, the general fund budget of the current fiscal year shall be the general fund budget for the ensuing year, until such time as a newly revised budget shall be adopted by the council, and, until such time, shall have full force and effect to the same extent as if the same had been adopted by the council, notwithstanding any thing to the contrary in this Act.

5.11. Effective Date of Budget; Certification; Copies made Available.—Upon final adoption, the budget shall be in effect for the budget year. A copy of the budget, as finally adopted, shall be certified by the mayor and city clerk and filed in the office of the Director of Finance. The budget so certified shall be printed, mimeographed or otherwise reproduced and sufficient copies thereof shall be made available for the use of all offices, departments and agencies and for the use of citizens of the city who request a copy.

5.12. Utility Budgets.—Separate budget estimates for any public utilities owned and operated by the city shall be submitted to the Director of Finance at the same time as the budget estimates of other departments, and in the form prescribed by the Director of Finance. The mayor shall prepare and present to the council a budget for the utility operation, itemizing the receipts and expenditures in manner and form as is generally provided for in Section 5.04 of this Act as being applicable to the general fund budget. The action of the council on any utility budget thus submitted shall be governed by the same provision as provided in this Act with reference to the consideration and adoption of the general fund budget.

5.13. **Work Plan and Allotments.**—After the current expense budgets have been adopted and before the beginning of the fiscal year the head of each department, office, and agency, shall submit to the mayor in such form as he shall prescribe a work program which shall show the requested allotments of the appropriations for such department, office or agency for the entire fiscal year by monthly or quarterly periods as the mayor may direct. Before the beginning of the fiscal year the mayor shall approve, with such amendments as he shall determine, the allotments for each such department, office, or agency, and shall file the same with the Director of Finance who shall not authorize any expenditure to be made from any appropriation except on the basis of approved allotments, provided that such allotments shall be in conformity with the salaries established by ordinance, the provisions of any merit or civil service system applicable to such city, the laws of the State of Alabama and any municipal ordinances of such city, relating to obligatory expenditures for any purpose. The aggregate of such allotments shall not exceed the total appropriation available to each such department, office, or agency for the fiscal year. An approved allotment may be revised during the fiscal year in the same manner as the original allotment was made. If at any time during the fiscal year the mayor shall ascertain that the revenue cash receipts of the general fund or any public utility for the year plus any cash surplus available from the preceding year, will be less than the total appropriations to be met from such receipts and cash surplus, he shall reconsider the work programs and allotments of the departments, offices, and agencies, and, subject to the laws of the State of Alabama and any municipal ordinances of the city relating to obligatory expenditures for any purpose, revise the allotments so as to forestall the incurring of a deficit; provided, however, that there shall be no reduction in salaries except by order of the council, or as authorized by law.

5.14. **Transfers of Appropriations.**—The mayor may at any time authorize, at the request of any department, office, or agency, the transfer of any unencumbered balance or portion thereof in any general fund or utility appropriation from one classification of expenditure to another within the same department, office, or agency, provided that for this purpose the water, gas and electric utilities shall be deemed to be separate departments. At the request of the mayor, the council may by resolution transfer any unencumbered balance or portion thereof in any general fund appropriation from one department, office, or agency to another.

5.15. **Additional Appropriations.**—Appropriations in addition to those contained in the original general fund budget ordinance, may be made by the council by not less than five

affirmative votes, but only on the recommendation of the mayor and only if the Director of Finance certifies in writing that there is available in the general fund a sum unencumbered and unappropriated sufficient to meet such appropriation. Additional appropriations may be made by the council, by not less than five affirmative votes, from the funds of any utility for the operation of that utility, but only if the Director of Finance certifies in writing that there is available in the funds of the utility, a sum unencumbered and unappropriated sufficient to meet such appropriation.

5.16. **Emergency Appropriations.**—At any time in any budget year, the council may, pursuant to this Section, make emergency appropriations to meet a pressing need for public expenditures, for other than a regular or recurring requirement, to protect the public health, safety or welfare. Such appropriation may be made by the council, by not less than five affirmative votes, but only on the recommendation of the mayor. The total amount of all emergency appropriations made in any budget year shall not exceed five per centum of the total general fund operating appropriations made in the budget for that year.

5.17. **Appropriations to Lapse.**—Any portion of an appropriation remaining unexpended and unencumbered at the close of the fiscal year, shall lapse.

5.18. **Capital Budget.**—At the same time that he submits the general fund budget, the mayor shall submit to the council a capital improvement program covering all recommended capital improvement projects, for the ensuing fiscal year and for the four fiscal years thereafter, with his recommendations as to the means of financing the improvements proposed for the ensuing fiscal year. The council shall have power to accept with or without amendments or reject the proposed program and proposed means of financing for the ensuing fiscal year; and may from time to time during the fiscal year amend by ordinance adopted by at least five affirmative votes, the program previously adopted by it, or the means of financing the whole or any part thereof or both, provided that the amendment shall have been recommended by the mayor, and further, provided such additional funds are available in the general fund or in any other fund of the city available therefor. The council shall adopt a capital budget prior to the beginning of the fiscal year in which the budget is to take effect. No appropriations for a capital improvement project contained in the capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided that any project shall be deemed to have been abandoned if three fiscal years lapse without any expenditure from or encumbrance of the appropriation therefor. Any such lapsed

appropriation shall be applied to the payment of any indebtedness incurred in financing the project concerned and if there be no such indebtedness shall be available for appropriation.

5.19. Certification of Funds; Penalties for Violation.—No payment shall be made and no obligation incurred by or on behalf of the city except in accordance with an appropriation duly made and no payment shall be made from or obligation incurred against any allotment or appropriation unless the Director of Finance shall first certify that there is a sufficient unexpended and unencumbered balance in such allotment or appropriation to meet the same; provided that nothing herein shall be taken to prevent the advance authorization of expenditures for small purchases as provided in subsection (e) of section 6.04 of this Act. Every expenditure or obligation authorized or incurred in violation of the provisions of this Act shall be void. Every payment made in violation of the provisions of this Act shall be deemed illegal and every official who shall knowingly authorize or make such payment or knowingly take part therein and every person who shall knowingly receive such payment or any part thereof shall be jointly and severally liable to the city for the full amount so paid or received. If any officer, member of a board, or employee of the city, shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of this Act or knowingly take part therein such action shall be cause for his removal. Nothing in this section contained, however, shall prevent the making of contracts of lease or for services providing for the payment of funds at a time beyond the fiscal year in which such contracts are made, provided the nature of such transactions will reasonably require the making of such contracts.

5.20. Reserve for Permanent Public Improvements.—The council may by ordinance establish a reserve fund for permanent public improvements and may appropriate thereto any portion of the general fund cash surplus not otherwise appropriated at the close of any fiscal year. Appropriations from the said fund shall be made only to finance improvements included in the capital budget.

5.21. Budget Continuation.—Any officially adopted budget in existence at the time that the council is first organized, shall continue in force and effect during the balance of the city's then fiscal year, or until such time as the mayor may submit to the council and the council adopts, an amended, altered or revised budget for the balance of said fiscal year.

5.22. Budget Summary.—At the head of the budget there shall appear a summary of the budget, which need not be itemized further than by principal sources of anticipated revenue, stating separately the amount to be raised by property tax,

kinds of expenditures itemized according to departments, doing so in such a manner as to present to the taxpayers a simple and clear summary of the detailed estimates of the budget.

Article VI. Department of Finance.

6.01. Director of Finance; appointment.—There shall be a department of finance, the head of which shall be the Director of Finance, who shall be appointed by the mayor, subject to the provisions of any merit or civil service system which is applicable to such city. He shall be the chief financial officer of the city. The chief financial officer of any city which adopts the mayor-council form of government who holds office under any civil service or merit system applicable to such city shall be the first Director of Finance under the mayor-council form of government.

6.02. Director of Finance; qualifications.—The director of finance shall be a person skilled in municipal accounting, taxation and financial control.

6.03. Director of Finance; surety bond.—The Director of Finance shall provide a bond with such surety and in such amount as the council may require by resolution or ordinance. The premium on said bond shall be paid by the city.

6.04. Director of Finance; powers and duties.—The Director of Finance shall have general management and control of the several divisions and units of the Department of Finance. He shall have charge, subject to the direction and control of the mayor, of the administration of the financial affairs of the city, and to that end shall have authority and be required to:

(a) cooperate with the mayor in compiling estimates for the general fund, public utility, and capital budgets.

(b) supervise and control all encumbrances, expenditures and disbursements to insure that budget appropriations are not exceeded.

(c) prescribe and install systems of accounts for all departments, offices and agencies of the city and provide instructions for their use; and prescribe the form of receipts, vouchers, bills or claims to be used and of accounts to be kept by all departments, offices and agencies of the city.

(d) require daily, or at such other intervals as he may deem expedient, a report of receipts from each of such departments, offices and agencies, and prescribe the time and the manner in which moneys received by them shall be paid to the office of the Director of Finance or deposited in a city bank account under his control.

(e) examine all contracts, purchase orders and other documents, except bonds and notes which create financial obligations against the city, and approve the same only upon ascertaining that money has been appropriated and allotted therefor and that an unexpended and unencumbered balance is available in such appropriation and allotment to meet the same, provided that the Director of Finance may give advance authorization for the expenditure from any appropriation for the purchase of supplies, materials, or equipment of such sum, within the current allotment of such appropriation as he may deem necessary during a period of not to exceed the ensuing three calendar months for the purchase of items not to exceed in cost fifty dollars for any one item, and immediately encumber such appropriation with the amount of such advance authorization, and thereafter, within the period specified, purchase orders for such items, to an aggregate not exceeding such authorization, shall be valid without the prior approval of the Director of Finance endorsed thereon, but each such purchase order shall be charged against such authorization and no such purchase order, which together with all such purchase orders previously charged within the period specified shall exceed the amount of such authorization, shall be valid.

(f) Have custody of all public funds belonging to or under the control of the city, or any office, department or agency of the city government, and deposit all funds coming into his hands in such depositories as may be designated by resolution or ordinance of the council, or, if no such resolution or ordinance be adopted, by the mayor, subject to the requirements of law as to surety and the payment of interest on deposits. All such interest shall be the property of the city and shall be accounted for and credited to the proper account. He shall not be liable for any loss sustained as to Funds of the city that are on deposit in such a designated bank.

(g) Audit and approve before payment, all bills, invoices, payrolls and other evidences of claims, demands or charges against the city government and with the advice of the department of law, determine the regularity, legality and correctness of such claims, demands or charges.

(h) Have custody of all investments and invested funds of the city or in its possession in a fiduciary capacity, unless otherwise provided by this Act or by law, ordinance or the terms of any trust, and the safekeeping of all bonds and notes of the city and the receipt and delivery of city bonds and notes for transfer, registration and exchange.

(i) Have supervision over the preparation of bond ordinances, bonds, advertisements for sale of bonds, preparation of bond prospectuses, conduct of sale of bonds, and delivery of bonds, all subject to provisions of law and municipal ordinances,

applicable thereto. Bonds shall be authenticated by the manual signature of the Director of Finance and shall bear the facsimile signature of the mayor and a facsimile of the seal of the city. Interest coupons transferable by delivery shall be attached to the bond and shall be authenticated by the facsimile signature of the Director of Finance.

(j) Supervise and direct the placing of all types of insurance carried by the city where the premiums in whole or in part are paid by the city, or the premiums in whole or in part are withheld through the payrolls; the amount of all types of insurance on which the city pays the premiums in whole or in part shall be determined by the council after a recommendation by the mayor.

(k) Submit to the mayor for presentation to the council not later than the twelfth day of each month, a statement showing in reasonable detail the revenues received by the city during the preceding month, the revenues received during that fiscal year up to and through the end of the preceding month, the expenditures made during the preceding month, and the accumulated expenditures made during that fiscal year up to and through the end of the preceding month, together with a comparison of said items with the budget estimates.

(l) Furnish to the head of each department, office and agency of the city a copy of that portion of the statement as required in item (k) of this section, as same is related to his department, office or agency.

(m) Prepare and submit to the mayor at the end of each fiscal year, for the preceding year, a complete financial statement and report of the financial transactions of the city.

(n) Designate, with the approval of the Mayor, and subject to the provisions of any merit or civil service system applicable to such city, an employee of the department of finance as deputy director of finance who during the temporary absence or incapacity of the director of finance shall have and perform all the powers and duties conferred or imposed upon the director of finance.

(o) Protect the interests of the city by withholding the payment of any claim or demand by any person, firm or corporation against the city until any indebtedness or other liability due from such person, firm or corporation shall first have been settled and adjusted.

(p) Collect all special assessments, license fees and other revenues of the city for whose collection the city is responsible and receive all money receivable by the city from the county, state or federal government, or from any court, or from any office, department or agency of the city.

(q) With approval of the mayor to inspect and audit any accounts or records of financial transactions which may be maintained in any office, department or agency of the city government apart from or subsidiary to the accounts kept in his office.

(r) Supervise through the division of purchases as provided for in Section 6.07 of this Act, and be responsible for the purchase, storage and distribution of all supplies, materials, equipment and other articles used by any office, department or agency of the city government.

6.05. When contracts and expenditures prohibited. — No officer, department or agency shall, during any budget year, expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money, for any purpose, in excess of the amounts appropriated for that general classification of expenditure pursuant to this Act. Any contract, verbal or written, made in violation of this Act shall be null and void. Any officer or employee of the city who shall violate this Section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable as in case of misdemeanor conviction and shall also cease to hold his office or employment. Nothing in this Section contained, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made, when such contract is permitted by law.

6.06. Fees shall be paid to city government. — All fees received by any officer or employee of the city, shall belong to the city government and shall be paid daily to the department of finance.

6.07. Division of purchases. — There shall be established in the department of finance a division of purchases, the head of which shall be the city purchasing agent. The purchasing agent, pursuant to rules and regulations established by resolution or ordinance, shall contract for, purchase, store and distribute all supplies, materials and equipment required by any office, department or agency of the city government. The purchasing agent shall also have power and shall be required to:

1. Establish and enforce specifications with respect to supplies, materials, and equipment required by the city government;
2. Inspect or supervise the inspection of all deliveries of supplies, materials and equipment, and determine their quality, quantity and conformance with specifications;

3. Have charge of such general storerooms and warehouses as the council may provide by resolution or ordinance;

4. Transfer to or between offices, departments or agencies, or sell surplus, obsolete, or unused supplies, material and equipment;

5. Perform such other duties as may be imposed upon him by resolution or ordinance.

6.08. Competitive bidding. — Before the purchasing agent makes any purchase of or contract for supplies, materials or equipment, he shall give ample opportunity for competitive bidding, under such rules and regulations, and with such exceptions, as the council may prescribe by resolution or ordinance, provided, however, that the council shall not except individual contracts, purchases, or sales from the requirement of competitive bidding.

6.09. Contracts for city improvements. — Any city improvement costing more than \$2,000 shall be executed by contract except where such improvement is authorized by the council to be executed directly by a city department in conformity with detailed plans, specifications and estimates. All such contracts for more than \$2,000 shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by resolution or ordinance, provided the mayor shall have the power to reject all bids and advertise again. Alterations in any contract may be made when authorized by the council upon the written recommendation of the mayor.

6.10. Accounting control of purchases. — All purchases made and contracts executed by the purchasing agent shall be pursuant to a written requisition from the head of the office, department or agency whose appropriation will be charged, and no contract or order shall be issued to any vendor unless and until the director of finance certifies that there is to the credit of such office, department or agency, a sufficient unencumbered appropriation balance to pay for the supplies, materials, equipment or contractual service for which the contract or order is to be issued.

6.11. Borrowing in anticipation of revenues. — In any budget year, in anticipation of the collection or receipt of revenues of the budget year, the council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the city, each of which shall be designated "revenue note for the year 19..... (stating the budget year)". Such notes may be renewed from time to time; but all such notes, together with the renewals thereof, shall mature and be paid not later than the end of the fiscal year after the budget year in which

the original notes have been issued. Such borrowing shall be subject to any limitation on amount provided by statute.

6.12. Borrowing to meet emergency appropriations. — In the absence of unappropriated available revenues to meet emergency appropriations under the provisions of Section 5.16, the council may by resolution authorize the issuance of notes, each of which shall be designated "emergency note" and may be renewed from time to time, but all such notes of any fiscal year and any renewals thereof shall be paid not later than the last day of the fiscal year next succeeding the budget year in which the emergency appropriation was made.

6.13. Notes redeemable prior to maturity. — No notes shall be made payable on demand, but any note may be made subject to redemption prior to maturity on such notice and at such time as may be stated in the note.

6.14. Sale of notes; report of sale. — All notes issued pursuant to this Act may be sold at not less than par and accrued interest at private sale without previous advertisement.

Article VII. Succession in Government.

7.01. Rights of officers and employees preserved. — Nothing in this Act contained, except as specifically provided, shall affect or impair the rights or privileges of officers or employees of the city or of any office, department or agency existing at the time when this Act shall take effect, or any provision of law in force at the time when the mayor-council form of government shall be adopted and not inconsistent with the provisions of this Act, in relation to the personnel, appointment, ranks, grades, tenure of office, promotion, removal, pension and retirement rights, civil rights or any other rights or privileges of officers or employees of the city or any office, department or agency thereof.

7.02. Continuance of present officers. — All persons holding administrative office at the time the mayor-council form of government is adopted shall continue in office and in the performance of their duties until provision shall have been made in accordance therewith for the performance of such duties or the discontinuance of such office. The powers conferred and the duties imposed upon any office, department or agency of the city by the laws of the State shall, if such office, department or agency, be abolished by this Act, or under its authority, be thereafter exercised and discharged by the office, department or agency designated by the council unless otherwise provided herein.

7.03. Status of officers and employees holding positions when the mayor-council form of government is adopted. — Any person holding an office or position in the classified service of

the city under any civil service or merit system applicable to the city when the mayor-council form of government shall be adopted shall be continued as such officer or employee in the classified service of the city under the mayor-council form of government and with the same status, rights and privileges and subject to the same conditions under such applicable civil service or merit system as if the mayor-council form of government had not been adopted.

7.04. Transfer of records and property. — All records, property and equipment whatsoever of any office, department or agency or part thereof, all the powers and duties of which are assigned to any other office, department or agency by this Act, shall be transferred and delivered to the office, department or agency to which such powers and duties are so assigned. If part of the powers and duties of any office, department or agency or part thereof are by this Act assigned to another office, department or agency, all records, property and equipment relating exclusively thereto shall be transferred and delivered to the office, department or agency to which such powers and duties are so assigned.

7.05. Continuity of offices, departments or agencies. — Any office, department or agency provided for in this Act with a name or with powers and duties the same or substantially the same as those of an office, department or agency heretofore existing shall be deemed to be a continuation of such office, department or agency and, until otherwise provided, shall exercise its powers and duties in continuation of their exercise by the office, department or agency by which the same were heretofore exercised and, until otherwise provided, shall have power to continue any business, proceeding or other matter within the scope of its regular powers and duties commenced by an office, department or agency by which such powers and duties were heretofore exercised. Any provision in any law, rule, regulation, contract, grant or other document relating to such a formerly existing office, department or agency, shall, so far as not inconsistent with the provisions of this Act, apply to such office, department or agency provided for by this Act.

7.06. Continuance of contracts and public improvements.— All contracts entered into by the city, or for its benefit, prior to the adoption by such city of the mayor-council form of government, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time of the adoption of the mayor-council form of government may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws.

7.07. Pending actions and proceedings. — No action or proceeding, civil or criminal, pending at the time of the adop-

tion of the mayor-council form of government, brought by or against the city or any office, department or agency or officer thereof, shall be affected or abated by the adoption of the mayor-council form of government or by anything therein contained in this Act; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any office, department or agency or officer party thereto may by or under this Act be assigned or transferred to another office, department or agency or officer, but in that event the same may be prosecuted or defended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under this Act.

7.08. Pension and Relief Funds. — All laws and parts of laws relating to pension, retirement and relief funds for policemen, firemen and other employees of the city, contained in the general or local laws of the State or in Title 62 of the Code of Alabama, as amended, as the same may apply and be in effect with respect to any city at the time when such city shall elect to be governed by the provisions of this Act, shall continue in full force and effect, and without interruption or change as to any rights which have been acquired thereunder, after adoption of the mayor-council form of government by such city.

7.09. Park, play ground and fairground authority. — All laws and parts of laws relating to establishment of an authority for fairgrounds, parks, exhibits, exhibitions and other installations, facilities and places for the amusement, entertainment, recreation and cultural development of the citizens of a city, and for the powers, authority, mode of financing and conduct of the same, contained in the general or local laws of the State or in Title 62 of the Code of Alabama, as amended, as the same may apply and be in effect with respect to any city at the time when such city shall elect to be governed by the provisions of this Act, shall continue in full force and effect, and without interruption or change as to the establishment or conduct of any authority created thereunder, after adoption of the mayor-council form of government by such city.

7.10. When provisions take effect. — For the purpose of nominating and electing members of the council and the mayor, the provisions of this Act shall become applicable to any city adopting the mayor-council form of government upon the filing of the certificate of adoption by the judge of probate with the mayor or other chief executive office of the city as provided for in Section 1.06 hereof. For all other purposes the provisions of this Act shall become applicable to said city at the time when the first council of such city elected under the provisions hereof takes office and qualifies.

7.11. Continuance of ordinances and resolutions. — All ordinances and resolutions of the city in effect at the time

of adoption by the city of the mayor-council form of government herein set up shall continue in effect unless and until changed or repealed by the council.

Article VIII. General Provisions.

8.01. Removal of officers and employees. — Subject to the provisions of any civil service or merit system applicable to the city, any officer or employee to whom the mayor, or a head of any office, department or agency, may appoint a successor, may be removed by the mayor or other appointing officer at any time, and the decision of the mayor, or other appointing officer, shall be subject to appeals therefrom, if any, provided by applicable law.

8.02. Right of mayor and other officers in council. — The mayor, the heads of all departments, and such other officers of the city as may be designated by the council, shall be entitled to attend meetings of the council, but shall have no vote therein. The mayor shall have the right to take part in the discussion of all matters coming before the council, and the directors and other officers shall be entitled to take part in all discussions of the council relating to their respective offices, departments or agencies.

8.03. Investigations by council or mayor. — The council, the mayor, or any person or committee authorized by either of them, shall have power to inquire into the conduct of any office, department, agency or officer of the city and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers and other evidence. Failure to obey such subpoena or to produce books, papers or other evidence as ordered under the provisions of this Section shall constitute a misdemeanor and shall be punishable by a fine not to exceed \$100.00 or by imprisonment not to exceed six months, or both.

8.04. Contracts extending beyond one year. — No contract involving the payment of money out of the appropriation of more than one year shall be made for a period of more than five years, nor shall any such contract be valid unless made or approved by resolution or ordinance.

8.05. Publicity of records. — All records and accounts of every office, department or agency of the city shall be open to inspection by any citizen, any representative of a citizens' organization or any representative of the press at all reasonable times and under reasonable regulations established by the mayor, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish.

8.06. Officers and employees not to be privately interested in city's contracts. — No member of the council, officer or em-

ployee elected or appointed shall be interested, directly or indirectly, in any contract for work or material, or the profits thereof, or services to be furnished or performed for the city, and no such member of the council, officer or employee shall be interested, directly or indirectly, in any contract for work or material, or the profits thereof, or services to be furnished or performed for any person, firm or corporation operating interurban railway, street railway, gas works, electric light or power plant, heating plant, telegraph line or telephone exchange within the territorial limits of said city. No such member of the council, officer or employee of such city shall be interested in or an employee or attorney of any corporation operating any public service utility within said city. No such member of the council, officer or employee shall accept or receive, directly or indirectly, from any person, firm or corporation operating within the territorial limits of said city any interurban railway, railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line, or telephone exchange, or other business using or operating under a public franchise, any frank, free pass, free ticket or free service, or accept or receive, directly or indirectly, from any such person, firm or corporation, any gift or other thing of value, or any service upon terms more favorable than are granted to the public generally. Any violation of the provisions of this section shall be a misdemeanor, and upon conviction thereof, the guilty person shall be punished by a fine of not less than one hundred nor more than three hundred dollars, and may be imprisoned in the county jail for not more than ninety days. Every such contract or agreement shall be voidable by the mayor or the council. Such prohibition of free transportation shall not apply to policemen or firemen in uniform nor to policemen in the discharge of their duty; nor shall service to city officials in their official capacity heretofore provided by any franchise or ordinance be affected by this section.

8.07. Official bonds. — The director of finance, and such other officers or employees as the council may by general ordinance require so to do, shall give bond in such amount and with such surety as may be approved by the council. The premiums on such bonds shall be paid by the city.

8.08. Oath of office. — Every officer of the city shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the city clerk:

"I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of Alabama, that I will, in all respects, observe the

provisions of the ordinances of the city of....., and will faithfully discharge the duties of the office of.....

Article IX. Abandonment of Mayor-Council Form of Government.

9.01. Abandonment of the mayor-council plan. — No city may change from the mayor-council form of government within two years after the adoption thereof. At the end of such period, or at any time thereafter, the city may change its form of municipal government, either to:

(a) The form of municipal government applicable to the city prior to its adoption of the mayor-council form of government, or to

(b) The Council-Manager form of municipal government provided by Act Number 518 of the 1953 session of the Legislature of Alabama.

(c) One of the commission forms of municipal government provided by Title 37, Alabama Code of 1940, as amended and supplemented.

9.02. Petition for change of form of government. — Such change shall, however, first be initiated by petition and submitted to a vote of the qualified electors at an election and shall receive at such election a majority of the votes "yes" or in favor thereof in the same manner and subject to the same requirements as provided in Sections 1.02 to 1.05 of this Act except that the proposition on the ballot shall be changed to reflect the proposed form of municipal government to be submitted to the vote of the qualified electors. The officers and members of the governing body of such newly adopted form of municipal government shall be elected as soon as may be under the provisions of law applicable thereto; and upon their election and qualification for office the term of office of all members of the council under the mayor-council form of government shall terminate.

9.03. No election on change more often than two years. — No election on the abandonment of the mayor-council form of government shall be held within two years after any other election thereon.

Article X. General Statutory Provisions.

10.01. Effect of this Act on existing law. — (a) All laws and parts of laws, general, local or special, relating to or affecting the city, its powers, functions, duties and property, in force when this Act shall take effect, are hereby continued in effect; but all such laws relating to the exercise of powers, functions and duties by the commission or council-manager or

some other form of government shall be superseded to the extent that the same are inconsistent with the provisions of this Act.

10.02. Separability clause. — If any section or part of section of this Act shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Act nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

10.03. Short title. — This Act shall be known and may be cited as the "Mayor-Council Act of 1955."

Approved September 9, 1955.

Time: 11:25 A.M.

Act No. 453

H. 844—Gist, Money

AN ACT

Relating to Jackson County; regulating further the office of the sheriff of Jackson County; authorizing the sheriff to appoint three additional deputies; providing for the qualifications, compensation, powers and duties of such deputies; authorizing the court of county commissioners, board of revenue, or like governing body of Jackson County to pay to the sheriff of the county an allowance to defray the operational and maintenance cost of transportation incurred by such deputies in the performance of their official duties; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Jackson County is hereby authorized to appoint, immediately upon the effective date of this Act, three deputies in addition to the chief deputy provided for by law. The sheriff shall certify the names of the deputies appointed by him to the court of county commissioners, board of revenue, or like county governing body of Jackson County. Each such deputy shall be a qualified elector of Jackson County, and shall serve at the pleasure of the sheriff.

Section 2. The deputies provided for herein shall have the same powers, duties and authority as deputy sheriffs under the general laws of this State, and shall be subject to the supervision and control of the sheriff at all times. For the performance of their official duties, each such deputy shall receive a salary of two thousand seven hundred dollars (\$2,700.00) per annum, payable in equal monthly installments out of the general funds of the county.

Section 3. The court of county commissioners, board of revenue, or like county governing body of Jackson County is

hereby authorized to pay to the sheriff of the county the sum of one thousand two hundred dollars (\$1,200.00) per annum, payable in equal monthly installments out of the general funds of the county, to defray the operational and maintenance cost of transportation incurred by the three deputies provided herein in the performance of their official duties.

Section 4. Act No. 209, S. 313, approved June 22, 1943 (Local Acts of Alabama, 1943, p. 110); Act No. 95, H. 403, approved June 18, 1951 (Acts of Alabama, 1951, p. 317); Act No. 96, H. 404, approved June 18, 1951 (Acts of Alabama, 1951, p. 318); and all other laws or parts of laws in conflict with this Act are hereby repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared unconstitutional or invalid, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 11:26 A.M.

Act No. 454

H. 845—Gist, Money

AN ACT

To amend further Act No. 65, H. 81, approved November 4, 1950, which created the board of revenue for Jackson County and abolished the court of county commissioners.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 65, H. 81, approved November 5, 1950, the Act which created the board of revenue for Jackson County and abolished the court of county commissioners (Acts of 1950-51, Vol. I, p. 126), is amended to read as follows:

"Section 3. At the general election in November, 1952, and every four years thereafter, the qualified electors of Jackson County shall elect from the county at large a chairman of the Board of Revenue and a member of the Board of Revenue for each of the four commissioners' districts in the county as they are now constituted. A candidate for chairman of the Board must be a qualified elector and legal resident of Jackson County. Each candidate for associate member of the Board must be a qualified elector and legal resident of the district he seeks to represent. The chairman and members of the Board shall assume office the first Monday after the second Tuesday in January, 1953, and every four years thereafter. They shall

hold office for a term of four years and until their successors are elected and qualified. The chairman shall be paid a monthly salary of three hundred dollars (\$300) per month, to be paid from the county treasury; and he shall receive no other compensation except as may be specifically provided herein. Each member of the Board shall receive twelve dollars (\$12) for each day's service, not to exceed forty eight (\$48) per month and travel expenses of ten cents per mile travelled in attending regular and special meetings of the Board."

Section 2. Section 4 of said Act No. 65, as amended, is amended further to read as follows:

"Section 4. The chairman and each member of the Board shall, before entering upon the duties of his office, take the statutory oath of office and make and file with the Judge of Probate a bond, with good and sufficient sureties, payable to Jackson County, and conditioned upon the faithful performance of the duties of his office. The bond of the chairman is hereby fixed at five thousand dollars (\$5,000); the bond of each other member shall be two thousand dollars (\$2,000). In the case of a vacancy on the Board, such vacancy shall be filled by appointment by the Governor for the unexpired term. Neither the chairman nor any member of the Board shall hold any other remunerative public office."

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 11:27 A.M.

Act No. 455

H. 906—Lee (Lawrence)

AN ACT

To amend further Act No. 147, H. 472, approved July 17, 1947, entitled "An Act to provide for the appointment of a deputy clerk of the Circuit Clerk of Lawrence County and to prescribe the duties and fix the compensation of such deputy" (Local Acts, 1947, p. 86).

Be It Enacted by the Legislature of Alabama:

Section 1 of Act No. 147, H. 472, approved July 17, 1947, entitled "An Act to provide for the appointment of a deputy clerk of the Circuit Clerk of Lawrence County and to prescribe the duties and fix the compensation of such deputy" (Local Acts, 1947, p. 86), as amended, is amended further to read as follows:

"Section 1. That the clerk of the Circuit Court of Lawrence County, Alabama be and he is hereby authorized to appoint

a deputy clerk for said court and said deputy clerk shall hold office at the pleasure of said Circuit Clerk and shall receive a salary of two hundred dollars (\$200.00) per month, to be paid out of the general fund of Lawrence County, Alabama. Said deputy clerk shall possess all of the powers and authority both ministerial and judicial now or hereafter possessed by said Circuit Clerk, and shall also be deputy register at such time as the Clerk of the Circuit Court of Lawrence County, Alabama, is authorized to perform the duties of the register of said court.'

Approved September 9, 1955

Time: 11:28 A.M.

Act No. 456

H. 910—Cox

AN ACT

To authorize and empower the governing body of the City of Guntersville, Alabama, by resolution, to authorize the Mayor of the City of Guntersville to lease or sublease any of the real or personal property now owned or leased by such City, or hereinafter acquired or leased by said City of Guntersville, to provide that a lease or sub-lease made in accordance with such resolution shall be binding for the term specified in the resolution not to exceed a period of ten years, to provide restrictions upon such sub-leases, to provide that the provisions of such act are severable, and to provide when this Act shall become effective.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of the City of Gunterville, Alabama, may, by resolution to be entered on its minutes, authorize the Mayor of the City of Guntersville, Alabama, on behalf of said city, to lease or sub-lease to any person whatsoever any of the real or personal property now owned by the City of Guntersville or leased to it or herein after acquired by said City or leased to it, under such terms and conditions as may be stated in such resolution, and a lease or sub-lease made by the Mayor of such City, in accordance with such resolution shall be binding for the term specified in the lease, not to exceed a period of ten years; provided, however, that a sub-lease of any property leased to said City may not authorize any use of such property for any purpose other than the purposes allowed by the terms of the lease to said city, nor may such sub-lease of such leasehold property be made for a term longer than the term of the lease of such property to said city, nor may a sub-lease of any leasehold property held by said city be made where sub-leasing by said city is prohibited by the terms of the lease of such property to said city, nor may a sub-lease of any property leased to said city be executed without the written approval of the lessor thereof where such lessor is a governmental agency. If such lease or sub-lease is made by

such Mayor for such city, in accordance with this Act and such resolution, it shall be binding and legal in all other respects.

Section 2. The provisions of this Act are severable. If any part of this Act be declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 11:29 A.M.

Act No. 457

H. 933—Gist

AN ACT

Relating to Jackson County; abolishing the Jackson County Court fine and forfeiture fund and the general fine and forfeiture fund of Jackson County, and creating in lieu thereof the Jackson County Fine Forfeiture Fund; transferring funds in the Jackson County Court fine and forfeiture fund and the general fine and forfeiture fund of Jackson County to the Jackson County Fine and Forfeiture Fund; providing for the payment of existing claims against the Jackson County Court fine and forfeiture fund and the general fine and forfeiture fund of Jackson County, and for the payment of future claims which may arise against the Jackson County Fine and Forfeiture Fund; providing for the re-registration of existing claims against the general fine and forfeiture fund of Jackson County and barring existing claims that are not registered and existing claims that are not re-registered; making the circuit clerk the custodian of the Jackson County Fine and forfeiture Fund and fixing the compensation of the circuit clerk for his services rendered as custodian; providing for the appointment of a clerical assistant for the re-registration of claims against the general fine and forfeiture fund of Jackson County; providing for the transfer of surplus funds in the Jackson County Fine and Forfeiture Fund to the general fund of the county; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The Jackson County Court fine and forfeiture fund and the general fine and forfeiture fund of Jackson County are hereby abolished, and there is created in lieu thereof the Jackson County Fine and Forfeiture Fund.

Section 2. The custodian of the Jackson County Court fine and forfeiture fund and the custodian of the general fine and forfeiture fund of Jackson County shall transfer all money on hand in such funds on the effective date of this Act to the Jackson County Fine and Forfeiture Fund. Thereafter, all claims which would be claims against or payable from the Jackson County Court fine and forfeiture fund or the general fine and forfeiture fund of Jackson County except for this Act shall be claims against and shall be paid from the Jackson County Fine and Forfeiture Fund; and all funds which would be payable

into the Jackson County Court fine and forfeiture fund or the general fine and forfeiture fund of Jackson County except for this Act shall be paid into the Jackson County Fine and Forfeiture Fund.

Section 3. All unpaid claims registered against the general fine and forfeiture fund of Jackson County on the effective date of this Act shall be barred and the payment thereof prohibited unless re-registered as claims against the Jackson County Fine and Forfeiture Fund within ninety days from such date. The circuit clerk may appoint a clerical assistant to re-register such claims. The clerical assistant so appointed shall receive a total of one hundred dollars (\$100.00) out of the general funds of the county for services rendered in re-registering such claims. No claims against the general fine and forfeiture fund of Jackson County which is un-registered on the effective day of this Act shall be registered against the Jackson County Fine and Forfeiture Fund or paid therefrom. All claims against the Jackson County Court fine and forfeiture fund are hereby declared to be claims against the Jackson County Fine and Forfeiture Fund without the necessity for re-registration.

Section 4. Such claims as are re-registered against the Jackson County Fine and Forfeiture Fund in accordance with the preceding section, and all claims existing against the Jackson County Court fine and forfeiture fund shall be paid in the order of their prior registration against the Jackson County Court fine and forfeiture fund or the general fine and forfeiture fund of Jackson County, as the case may be, upon presentation of the certificates therefor by the lawful holders. All claims existing against the Jackson County Court fine and forfeiture fund shall be paid at par. The money transferred from the general fine and forfeiture fund of Jackson County to the Jackson County Fine and Forfeiture Fund shall be prorated to pay the claims re-registered against the general fine and forfeiture fund, or until at least twenty-five percent of the original amount of each such re-registered claim has been paid.

Section 5. The clerk of the circuit court of Jackson County shall be custodian of the Jackson County Fine and Forfeiture Fund and shall register all claims against the fund in a well-bound book provided for that purpose. All claims against the Jackson County Fine and Forfeiture Fund shall be paid upon certificate of the circuit clerk stating that the claims have been properly registered and are legal claims against such fund. The circuit clerk shall receive compensation in the amount of one hundred fifty dollars (\$150.00) per annum for services rendered as custodian of the Jackson County fine and forfeiture fund out of the General Funds of The County.

Section 6. The claims of the sheriff and the circuit clerk of Jackson County, and the claims of witnesses for the State for

fees in preliminary proceedings when the case is nol-prossed or dismissed, or the grand jury fails to indict, or the defendant is acquitted in the circuit court, shall be allowable claims against the Jackson County Fine and Forfeiture Fund. The fees of the circuit clerk for issuing writs on affidavits in misdemeanor cases when the case is nol-prossed, or the defendant is acquitted, or execution against the defendant is returned "No Property Fund," shall be allowable claims against such fund.

Section 7. The claims of the sheriff and the circuit clerk, when registered, shall be on a par with witness claims, and all claims against the Jackson County fine and forfeiture fund shall be paid in the order of their registration.

Section 8. At the beginning of each fiscal year, the circuit clerk shall transfer to the general fund of the county any surplus funds in the Jackson County Fine and Forfeiture Fund over and above the amount of all claims registered against the Jackson County Fine and Forfeiture Fund.

Section 9. All laws or parts of laws which conflict with this Act are repealed.

Section 10. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 11:30 A.M.

Act No.458

H. 877—Hawkins, Hanby

AN ACT

Relating to Counties having a population of not less than 80,000 nor more than 94,000 inhabitants, according to the last or any subsequent federal decennial census, authorizing the governing body of every such County to provide for a Chief Clerk and assistant Chief Clerk in the Circuit Court and for a Chief Clerk in the County Court of the County.

Be It Enacted by the Legislature of Alabama:

Section 1. The Board of Revenue or other like governing body in every County of the State having a population of not less than 80,000 nor more than 94,000 inhabitants, according to the last or any subsequent federal decennial census, is hereby authorized to provide for a Chief Clerk and assistant Chief Clerk in the Circuit Court and for a Chief Clerk in the County Court of such County, and other assistants necessary for the proper and efficient operation of the Clerk's office for said Courts.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 11:31 A.M.

Act No. 459

H. 878—Hanby, Hawkins

AN ACT

Relating to counties having a population of not less than 80,000 nor more than 94,000 inhabitants, according to the last or any subsequent decennial federal census; authorizing the court of county commissioners, board of revenue, or like governing body of any such county to levy additional privilege license and excise taxes for hospital and educational purposes, paralleling the state sales and use taxes provided for in Articles 10 and 11, Chapter 20, Title 51, Code of Alabama (1940), as amended, when such a levy is approved at an election called for such purpose; providing for the ordering and holding of such election; providing for the collection of such taxes by the State Department of Revenue, and for the distribution of the proceeds thereof; providing for the enforcement of the Act; and providing penalties for violations of the Act.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having a population of not less than 80,000 nor more than 94,000 inhabitants, according to the last or any subsequent decennial census of the United States.

Section 2. The court of county commissioners, board of revenue, or like governing body of any county to which this Act applies is authorized to order an election to determine whether or not special privilege license and excise taxes, in the amounts hereinafter provided, shall be levied for hospital and educational purposes within the county. The sheriff must give notice at least thirty days before any election to be held under this Act, by publication in some newspaper in the county, if any is published therein, and if not, by written notice posted at the court house door, and at three other public places in the county, of the time of holding and the purpose of the election. The court of county commissioners, board of revenue, or like governing body of the county shall provide for the holding of the election on the date specified in the notice. If the question of levying the special taxes authorized herein fails to carry at any such election, that fact shall not preclude the submission of the question to the voters at subsequent elections held in accordance with this Act.

Section 3. The court of county commissioners, board of revenue, or like governing body of the county shall declare the result of the election, and if a majority of the electors voting

on the question have voted in favor of the special taxes, the court of county commissioners, board of revenue, or like governing body of the county may by resolution or ordinance levy, in addition to all other taxes of every kind now imposed by law, a county privilege or license tax against the person on account of business activities in an amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, and a county excise tax, as follows:

1) Upon every person, firm, or corporation engaged or continuing within the county in business selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, except bonds or other evidences of debt or stocks, an amount equal to one percent of the gross proceeds of the sales of the business.

2) Upon every person, firm, or corporation engaged or continuing within the county in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution or any athletic association thereof, or other association whether such institution or association be denominational or a state, county or city school or other institution, association or school) skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or any place or places where an admission fee is charged (including public bathing places, public dance halls of every kind and description) conducted or carried on within the county, an amount equal to one percent of the gross receipts of any such business.

3) An excise tax on the storage, use, or other consumption in the county of tangible personal property purchased at retail, at the rate of one percent of the sales price of such property.

4) Upon every person, firm, or corporation engaged or continuing within the county in the business of selling any automotive vehicle or truck trailer and semi-trailer, an amount equal to one-third of one percent of the gross proceeds of the sale of such automotive vehicle, truck trailer, and semi-trailer.

5) Upon every person, firm, or corporation engaged or continuing within the county in the business of selling any used automotive vehicle or truck trailer or semi-trailer, where such vehicles are bought for purposes of resale, an amount equal to one-third of one percent of the gross proceeds of the sale of said automotive vehicle or truck trailer and semi-trailer; provided,

however, this subsection shall not apply to the sale of any used automotive vehicle or truck trailer or semi-trailer where it was acquired as a part of the consideration for the sale, trade, or exchange, in the county of any new or used motor vehicle, truck trailer, or semi-trailer.

6) An excise tax on the storage, use, or other consumption in the county of any new or used automotive vehicle, truck trailer, or semi-trailer purchased at retail on or after the date a tax is imposed under the authority of this Act for storage, use, or other consumption in the county at the rate of one-third of one percent of the sales price of such automotive vehicle, truck trailer, or semi-trailer.

The taxes authorized to be levied by this Act shall be subject to all definitions, exemptions, proceedings, rules, regulations, requirements, fines, penalties, punishments and deductions as are provided in Articles 10 and 11, Chapter 20, Title 51, of the Code of Alabama (1940) and amendments thereof, except where the same are inapplicable or where they are herein otherwise provided for.

Every person storing, using, or otherwise consuming in the county any tangible personal property purchased at retail shall be liable for the tax authorized to be imposed by paragraph 3 or 6 above, and the liability shall not be extinguished until the tax has been paid, provided that a receipt from a retailer maintaining a place of business in the county showing the payment of said tax shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer.

Section 4. The taxes herein authorized, when levied in accordance with the provisions of this Act, shall be collected by the Department of Revenue of the State of Alabama, at the same time and along with the collection by that department of taxes levied and collected for the State of Alabama under the provisions of Articles 10 and 11, Chapter 20, Title 51, Code of Alabama (1940), as amended, and all reports now required to be made to the Commissioner of Revenue shall, on request of the Department of Revenue, be available for inspection by the chairman of the court of county commissioners, board of revenue, or like governing body of the county, or his designated agent, at reasonable times during business hours. The State Department of Revenue shall prepare and distribute such reports, forms and other information as may be necessary for the collection of the county taxes authorized to be levied by this Act, and shall have all the authority and duties in connection with such taxes as are now given by law to the Department of Revenue or the Commissioner of Revenue in connection with the collection of the State's sales and use taxes provided for by Articles 10 and 11 of Chapter 20, Title 51, Code of Alabama

(1940), as amended. It shall be the duty of the Commissioner of Revenue to pay into the State Treasury all taxes collected under this Act; and on or before the first day of the following month, the Commissioner shall certify to the Comptroller the amount of special taxes levied and collected under the provisions of this Act for the use and benefit of the county during the calendar month immediately preceding the making of such certificate. Whereupon, it shall be the duty of the Comptroller to issue his warrants on the State Treasurer, payable as follows, in a total amount equal to the amount so certified by the Commissioner of Revenue as having been collected for the use of the county and paid into the State Treasury. The Comptroller shall pay one-half of the amount so certified by the Commissioner of Revenue as having been collected for the use of the county to any public hospital board or authority provided by law for the county, which board or authority shall use such proceeds for the construction of a county general hospital and for its maintenance and operation. The Comptroller shall apportion the remaining one-half of such amount among the city and county school systems within the county on the basis of the teacher units established by the State Board of Education for the administration of the Minimum Program Fund, and pay to the custodian of school funds of each such school system the system's pro rata share of the proceeds.

Section 5. The Department of Revenue shall charge the county for collecting the special taxes herein authorized a percentage of the taxes to be computed on the same basis as the total cost of collecting the state sales and use taxes bears to the total amount of state sales and use taxes collected for each fiscal year ending September 30. Such charge for collecting the special taxes shall be deducted once each year from the special sales and special use taxes collected in the month of September of each year before certifying the amount of special sales and special use taxes due the county for that month. The Department of Revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the taxes authorized to be levied by this Act, and otherwise to enforce the provisions of this Act, including any litigation involving the Act; and the Department of Revenues shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes collected by it for the county.

Section 6. The taxes authorized herein, together with the interest and penalties which are authorized by this Act, shall be a lien upon the property of any person, firm, or corporation liable for taxes under the provisions of this Act, and all of the provisions of the revenue laws of the State of Alabama applying to or relating to the enforcement of liens for license taxes due the State of Alabama shall apply fully to the collection of taxes

levied under the authority of this Act. The taxes authorized by this Act shall be in addition to all other licenses and taxes levied by law as a condition precedent to engage in any business taxable hereunder in any county to which this Act applies.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 11:32 A.M.

Act No. 460

H. 980—Cox

AN ACT

Requiring that all Justices of the Peace and all Notaries Public-Ex Officio Justice of the Peace or other officer trying misdemeanor criminal cases in Marshall County, Alabama, other than in the County or Circuit Courts of said County shall be required to report to the Clerk of the Circuit Court of said County, on forms furnished by said Clerk on the first day of each month all fines and forfeitures assessed or collected in such courts, showing the name of the defendant, the number of the case on the docket of such officer, the charge, the date of conviction or making final of such forfeiture, together with the amount thereof and showing the amount remitted, without any deductions therefrom for any reason whatsoever; and to require such officer to produce in the office of the Clerk of said Court at such times of making such report and/or remittance their dockets to be audited by such Clerk; to require such officer to also deliver to said Clerk such dockets one week in advance of the regular meeting of the Grand Jury of said County to be by said Clerk delivered to said Grand Jury; making a violation of this Act a misdemeanor and fixing penalties for the violation of this Act; and providing that all such fines and forfeitures collected by said Clerk from such officer, or any of them, shall be by said Clerk paid into the Fine and Forfeiture Fund of Marshall County, Alabama, regardless of the offense which defendant was charged with, and fixing the compensation to said Clerk for performing his duties under the provisions of this Act; to repeal all laws in conflict with this Act; providing when this Act shall take effect.

Be It Enacted by the Legislature of Alabama:

Section 1. That all Justices of the Peace and all Notaries Public-Ex Officio Justice of the Peace, or other officer, trying misdemeanor criminal cases in Marshall County, Alabama, other than in the County or Circuit Courts of said county be and are hereby required to report to the Clerk of the Circuit Court of said County on forms to be furnished by said Clerk, on the first day of each month, all fines and forfeitures assessed or collected in such courts showing the name of the defendant, the number of the case on the docket of such officer, the charge, the date

of conviction or making final of such forfeiture, together with the amount thereof and showing the amount remitted, without any deduction therefrom for any reason whatsoever, and to require such officer to produce in the office of the Clerk of said court at such times of making such report and/or remittance their dockets to be audited by such Clerk.

Section 2. That all such officers named in Section 1 hereof be and they are hereby required to also deliver to said Clerk their said dockets one week in advance of the regular meeting of the Grand Jury of said County to be by said Clerk delivered to said Grand Jury for its inspection.

Section 3. That any officer violating any provisions of this Act shall be guilty of a misdemeanor.

Section 4. That all fines and forfeitures collected by said Clerk from such officers, or any of them, named in Section 1 of this Act shall be by said Clerk of said Court paid into the Fine and Forfeiture Fund of Marshall County, Alabama, regardless of the offense with which the defendant was charged.

Section 5. That the Clerk of the Circuit Court of said County shall be entitled to and shall deduct therefrom five percent (5%) of the amount of all such fines and forfeitures so collected and remitted by him as a commission to the Clerk for collecting and remitting the same to the County Treasury, and in addition thereto he shall be entitled to deduct therefrom, for the compensation to said Clerk, the sum of \$1.00 per case out of the fine assessed or forfeiture collected for auditing the dockets of said officer making such remittance to said Clerk.

Section 6. That the Clerk of the Circuit Court of said County shall, immediately upon the filing of said report of such books with him by such officer named in Section 1 of this Act, audit said books of said officer and shall note on each case that he has audited the records in that case and finds the same to be correct or incorrect as the case may be and if incorrect he shall notify the proper authorities for their action thereon.

Section 7. That all laws or parts of laws in conflict with this Act be and the same are hereby repealed.

Section 8. That this Act shall take effect immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved September 9, 1955.

Time: 11:33 A.M.

AN ACT

Relating to counties having a population of not less than 63,700 nor more than 70,000 inhabitants, according to the last or any subsequent federal decennial census; exempting purchases of medical, surgical, and hospital supplies from any system of competitive bidding now or hereafter provided by law for any such county, or any office, department, board, agency, or institution thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only to counties having a population of not less than 63,700 nor more than 70,000 inhabitants, according to the last or any subsequent federal decennial census.

Section 2. All purchases of medical, surgical, and hospital supplies made by any county to which this Act applies, or by any office, department, board, agency, or institution of any such county, shall be exempt from any system of competitive bidding now or hereafter established by law to regulate the purchase of supplies, equipment, materials, and services for any such county, or for any office, board, agency, or institution thereof.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 11:34 A.M.

Act No. 462

H. 985—Shumate, Selman

AN ACT

Relating to Walker County: To authorize, direct, and require the court of county commissioners, board of revenue, or like governing body of Walker County to cover the employees of said county under the Workmen's Compensation Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or like governing body of Walker County is hereby authorized, directed, and required to file forthwith upon the passage of this Act written notice of the county's election to accept the provisions of Article 1 and 2 of Chapter 5, Title 26, Code of Alabama (1940), as amended, and cover the employees of Walker County under the Workmen's Compensation Act.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 11:35 A.M.

Act No. 463

H. 986—Selman, Shumate.

AN ACT

Relating to cities and towns in counties having a population of not less than 63,750 nor more than 72,750 inhabitants, according to the last or any subsequent federal decennial census; providing that the territorial limits of the police jurisdiction outside the corporate limits of any such city or town shall not be extended or changed by altering, extending, or rearranging the boundary lines or corporate limits of the city or town through the annexation of adjoining territory.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only to the cities and towns in counties having a population of not less than 63,750 nor more than 72,750 inhabitants, according to the last or any subsequent federal decennial census.

Section 2. The territorial limits of the police jurisdiction outside the corporate limits of any city or town to which this Act applies shall not be extended or changed by altering, extending, or rearranging the boundary lines or corporate limits of such city or town through the annexation of adjoining territory, but such police jurisdiction shall remain fixed along the same boundary lines in existence on the effective date of this Act, any provision of law to the contrary notwithstanding. Provided, however, that any such city or town shall continue to have and exercise full police jurisdiction within the corporate limits of the city or town, including any annexed territory.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 11:36 A.M.

Act No. 464

H. 987—Selman, Shumate

AN ACT

Relating to Walker County; authorizing qualified electors living within the limits of the police jurisdiction of any city or town in the

county to vote at municipal elections held by the city or town within whose police jurisdiction they reside, and directing the governing body of each incorporated municipality in the county to designate the place at which electors may vote.

Be It Enacted by the Legislature of Alabama:

Section 1. Every registered voter who lives within the police jurisdiction of a city or town in Walker County shall be entitled to vote at any and all municipal elections held by the city or town within whose police jurisdiction he resides notwithstanding the fact that he resides outside the corporate limits of such municipality.

Section 2. The governing body of each city or town in Walker County when designating voting places for the wards in the city or town shall also designate the place or places at which qualified electors authorized by Section 1 hereof to vote in the elections in such municipalities may vote, and such electors may vote at the designated places and nowhere else.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 11:37 A.M.

Act No. 465

H. 743—Kelly.

AN ACT

Relating to the operation of school buses in Winston County; providing that the county board of education shall employ no person as school bus driver unless such person is at least 25 years of age; and requiring the county board of education to pay school bus drivers a prescribed minimum salary, and to cause heaters to be placed in the buses.

Be It Enacted by the Legislature of Alabama:

Section 1. The county board of education of Winston County shall employ no person as a school bus driver who is not at least 25 years of age at the time of his employment, and shall pay school bus drivers a salary of at least Ninety Dollars (\$90.00) per month. . The county board of education of Winston County shall also cause heaters to be placed in the county school buses.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 11:38 A.M.

Act No. 466

H. 728—Dawkins, Hawkins

AN ACT

To authorize the issuance of not exceeding \$110,000,000 principal amount of general obligation bonds of the State of Alabama, additionally secured by a pledge of certain state taxes, for the purpose of financing the construction, improvement and equipment of school and college buildings, and acquiring sites therefor; to specify the effect of such pledge; to create a sinking fund for payment of said bonds; to exempt said bonds and the interest thereon from taxation; and to make provision for the terms, specifications, execution, sale and issuance of said bonds and disposition of the proceeds thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The following terms, wherever used in this act, shall have the following respective meanings: "the bonds" means the bonds authorized in this act; and "the commission" means the School Bond Commission created in this act.

Section 2. There is hereby authorized to be issued not exceeding \$110,000,000 aggregate principal amount of bonds of the State of Alabama for the purpose of providing funds for the acquisition of school and college building sites, for the construction, reconstruction, alteration, and improvement of school and college building facilities, including renewal and replacement of structural parts, and for the procurement of equipment for school and college buildings.

Section 3. The bonds shall be direct and general obligations of the State of Alabama and the full faith and credit of the state are hereby irrevocably pledged to the prompt payment of the principal thereof and interest thereon. In addition thereto, there is further hereby irrevocably pledged for payment of the principal of and interest on the bonds, pro rata and without preference of one bond over another by reason of prior issuance or otherwise, so much as may be necessary for said purpose of that portion of the proceeds of all taxes of the State of Alabama, except the income tax, that may be required by law, at the effective date of this act, to be paid into the Alabama Special Educational Trust Fund. The pledge herein made shall create a charge on the tax proceeds herein specially pledged prior to salaries and all other charges or expenses for educational or any other purposes whatsoever. To create a sinking fund for the prompt and faithful payment of the principal of and interest on the bonds, there is hereby appropriated and

pledged for said purpose, out of the moneys in the Alabama Special Educational Trust Fund, and, to the extent such moneys may not be sufficient, out of the general fund of the state, such amount as may be necessary to pay the said principal and interest as the same respectively mature.

Section 4. The Governor, the State Superintendent of Education, the Attorney General, the State Treasurer, and the Director of Finance are hereby constituted a School Bond Commission with full authority to provide for the sale and issuance of the bonds. The Governor shall be the chairman of the commission, the Director of Finance shall be the vice chairman thereof, the State Treasurer shall be the treasurer thereof, and the Superintendent of Education shall be the secretary thereof. No member of the commission shall receive compensation in any form for any duty rendered by him in and about the issuance or sale of the bonds. The commission shall meet at the call of its chairman or vice chairman and its actions shall be authorized by the adoption of resolutions. A majority of the members of the commission shall constitute a quorum for the transaction of business, and the votes of a majority of the members of the commission shall be necessary for the adoption of any resolution or the taking of any action. The proceedings of the commission shall be reduced to writing and recorded in a substantially bound book. Said proceedings shall be signed by the members of the commission and certified by the secretary thereof and filed by him with the Secretary of State who shall retain the same.

Section 5. The bonds may be sold, executed and delivered at any time and from time to time, may be in such forms, denominations, numbers and series, and of such tenor and maturities, may bear such date or dates, may be in registered or bearer form either as to principal or interest or both, may be payable in such installments and at such time or times, may be payable at such place or places within or without the State of Alabama, may bear interest at such rate or rates, and may contain such provisions not inconsistent herewith, all as shall be specified in the resolution or resolutions of the commission under which they are issued; provided, that the principal of each series of bonds shall mature in annual installments in such amounts as shall be specified in the resolution or resolutions of the commission the last installment of which shall be due not later than thirty years after the date of the bonds of such series; provided further, that each series of bonds having an installment of principal maturing more than five years after the date thereof shall be made subject to redemption prior to maturity, at the option of the state, at the end of the fifth year following their date and semiannually thereafter, as a whole or in part in the inverse order of the numbers of the bonds of that series, at a redemption price or prices not exceeding the face value of each bond redeemed plus accrued interest thereon to the

date fixed for redemption and a premium equal to one year's interest on each bond redeemed. The maturities of the bonds of each series shall, to such extent as may be practicable, be so arranged that the aggregate installments of principal and interest maturing during each fiscal year of the state on all bonds that will be outstanding hereunder, immediately following the issuance of the bonds of that series, will be substantially equal; provided, that the determination by the commission that the requirements of this sentence have been complied with shall be conclusive of such compliance, and any failure to comply with the provisions of this sentence shall not affect the validity of any bonds issued hereunder. Each series of such bonds shall be sold at such time or times and at such price or prices as the commission may deem advantageous; provided, that none of said bonds shall be sold for less than their face value plus accrued interest thereon to the date of their delivery, and all such bonds shall be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the state computed to the respective maturities of the bonds sold; provided further, that if no acceptable bid is received by the commission, all bids may be rejected. Notice of each bond sale shall be given by the commission by publication in either a financial journal or a financial newspaper published in New York, New York, and also by publication in a notices must be published at least one time not less than fifteen days prior to the date fixed for the sale. The commission shall cause such other publicity to be given of each bond sale as it may deem advisable, and it shall fix the terms and conditions under which each sale of bonds may be held; provided, that such terms and conditions shall not conflict with any of the requirements of this act. The commission is authorized to provide terms and conditions under which any of the bonds may be exchanged for like bonds of other denominations and may be converted from bearer bonds into registered bonds, either as to principal or interest or both as the commission may prescribe, and again converted into bearer bonds. The bonds, when not registered, shall be negotiable instruments.

Section 6. The bonds shall be signed in the name of the state by the Governor and shall be countersigned by the Director of Finance, as vice chairman of the commission, and the Great Seal of the state or a facsimile thereof shall be impressed, printed or otherwise reproduced thereon and shall be attested by the signature of the Secretary of State; provided, that facsimile signatures of any one or any two (but not all) of said officers may be reproduced on any such bonds in lieu of their manually signing the same, as shall be provided in the resolution of the commission. Any coupons attached to the bonds and representing installments of interest thereon shall be signed with the facsimile signature of the State Treasurer, which facsimile newspaper published in the State of Alabama, each of which

signature is hereby adopted as due and sufficient authentication of said coupons. In the event any official whose signature shall be signed or reproduced on any of the bonds or on any interest coupons should cease to hold office before they are delivered and paid for, the bonds and the coupons applicable thereto on which such signature is signed or reproduced shall nevertheless be valid for all purposes to the same extent as though all the officials whose signatures are signed or reproduced on such bonds or coupons had remained in office until all thereof had been delivered and paid for.

Section 7. All bonds issued under the provisions of this act, together with the interest income thereon, shall forever be exempt from all taxation in this state.

Section 8. All expenses incurred by the commission in connection with the sale and issuance of each series of the bonds shall be paid by the commission out of the proceeds from the sale of the bonds of that series. The proceeds from each such sale remaining after payment of such expenses shall be covered into the State Treasury, and set apart therein in a special trust fund to be designated the 'School Bond Fund.' All moneys paid into said fund shall be distributed on warrants drawn by the commission as follows: Seventy-six and nine-tenths per centum (76.9%) thereof shall be allocated and distributed to county and city school systems on a teacher-unit basis in accordance with the minimum school program, to be spent in accordance with regulations of the State Board of Education and statutes governing school building construction; Six and three-tenths per centum (6.3%) thereof shall be allocated and paid to The Board of Trustees of the University of Alabama; Six and three-tenths per centum (6.3%) thereof shall be allocated and paid to the Alabama Polytechnic Institute; Five-tenths of one per centum (0.5%) thereof shall be allocated and paid to Alabama College; Five and nine-tenths per centum (5.9%) thereof shall be expended by the State Board of Education on the state institutions of higher learning under said board, including Alabama Agricultural and Mechanical College, Alabama State College, and the State Teachers' Colleges; Two and seven-tenths per centum (2.7%) thereof shall be expended by the State Board of Education on trade schools; Five-tenths of one per centum (0.5%) thereof shall be allocated and paid to The Board of Trustees of the University of Alabama for the construction of facilities for mental health education; and Nine-tenths of one per centum (0.9%) thereof shall be allocated and paid to the Alabama Institute For Deaf and Blind. All of said proceeds so distributed or allocated or expended shall be used solely for the purposes for which the bonds are authorized, in Section 2 hereof, to be issued; provided, that the plans and specifications for any building constructed for any county or city school system shall be approved by the State Superintendent of Edu-

cation, and the plans and specifications for any other building constructed with moneys from said special fund shall be approved by the Alabama Building Commission, or any agency designated by the Legislature as its successor.

Section 8. (a) No bonds shall be issued hereunder until that certain amendment to the Constitution of Alabama proposed by Act No. 233 adopted at the 1955 regular session of the Legislature of Alabama shall have become a part of the Constitution.

Section 9. If any part or provision of this act shall be held to be invalid by a court of competent jurisdiction such holding shall not affect any other provision hereof.

Section 10. This act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing issuance of the bonds.

Approved September 9, 1955.
Time: 11:39 A.M.

Act No. 467

H. 993—Lackey, Vacca, Edwards
(Jefferson), Nice, Kaul,
Perry, Meeks.

AN ACT

To alter and extend the boundaries of the city of Birmingham; to provide for an election to submit to the qualified electors of the territory to be annexed to said city of Birmingham for their approval or rejection of such alteration and extension.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Birmingham, in the County of Jefferson, State of Alabama, are, subject to the other provisions hereof, hereby altered and extended so that said boundaries shall include within the corporate limits of said City all the following described additional territory not presently located in said City, to-wit:

Begin at the Southwest corner of the Southeast quarter of the Southeast quarter of Section 1, Township 17 South, Range 2 West, being a point on the present corporate limits of the City of Birmingham; thence North along the present corporate limits of the City of Birmingham to the South line of U. S. Highway No. 11 or Birmingham Gadsden Highway; thence Westward and Northward along the present corporate limits of the City of Birmingham to the North line of Section 1, Township 17 South, Range 2 West; thence East along the present corporate limits of the City of Birmingham to a point 435.0 feet West of the Southeast corner of the Southwest quarter of the Southeast quarter of Section 31, Township 16 South,

Range 1 West, which point is on the Eastern corporate limits of the City of Birmingham; thence North along the present corporate limits of the City of Birmingham to the North line of the Southwest quarter of the Southeast quarter of Section 31, Township 16 South, Range 1 West; thence East along said line to the East line of said Southwest quarter of the Southeast quarter of said Section 31; thence South along said East line and along the East line of the West half of the Northeast quarter of Section 6, Township 17 South, Range 1 West to the Northwest line of the right of way of the Louisville and Nashville Railroad; thence Southwesterly along said right of way line to the South line of the Northeast quarter of the Southwest quarter of Section 6, Township 17 South, Range 1 West; thence West along said South line and along the South line of the Northwest quarter of the Southwest quarter of said Section 6, to the East line of Section 1, Township 17 South, Range 2 West; thence South along said East line to the South line of said Section 1; thence West along said South line to the point of beginning, being situated in Jefferson County, Alabama.

Section 2. During the hours between eight o'clock A. M. and six o'clock P.M., on the first Tuesday after the expiration of forty days after the date upon which this act becomes effective, an election shall be held by the qualified electors residing within the territory described in Section 1 hereof which is to be annexed to said City. Said election shall be held to determine whether or not a majority of the electors residing within the territory above described, to be annexed to said City favor the annexation to said City of said territory. Not less than ten days nor more than twenty days before the date on which said election is to be held the Judge of Probate of Jefferson County, Alabama, shall give notice of the holding of such election by publication in a daily newspaper published within the City of Birmingham, Alabama, which notice shall state the date on which said election is to be held, the voting place, the boundaries within which electors must reside to vote at the said voting place and said notice shall give a description of the territory to be annexed to said City and the names and addresses of the inspectors, clerks, and returning officer appointed for said election.

Section 3. The Judge of Probate of Jefferson County, Alabama, shall designate a voting place within said territory for said election and shall appoint three inspectors of election, two clerks and one returning officer for said voting place, which inspectors shall manage the election at said voting place.

Section 4. Each qualified elector who has resided within the boundaries of the territory hereby annexed to said City for three months next preceding the election may vote at said election but must vote at the voting place designated for said election.

Section 5. Said election shall be conducted in all respects as provided by the general election laws and under the same sanction

and penalties, except as changed by the provisions of this Act and except that an official ballot need not be provided. There shall be no voting by absentee ballot.

Section 6. Each voter may furnish his own ballot with the following words written or printed thereon:

"For Annexation" if he desires to vote in favor of annexing the territory to said City, or

"Against Annexation" if he desires to vote against annexing the territory to said City. It shall not be necessary for the ballot to be of any particular size, form or color. Voting shall be by paper ballot.

Section 7. The inspectors at said voting place must, as soon as the polls are closed, ascertain and certify the results of the election at said voting place to the Judge of Probate of such county and deliver the same to the returning officer, who must at once return the same to the said Judge of Probate, and said Judge must canvass the return made by the inspectors, and if it appears that a majority of the votes cast at the election were "for annexation" the said Judge shall make and enter an order on the records of said Probate Court recording such fact and from the time of the entry of such order this Act shall be fully effective and the boundaries of said City of Birmingham shall be as above set forth. If it appears that a majority of the votes cast at the election are "against annexation" the Judge of Probate shall make and enter an order on the records of said court recording such fact, and this Act shall not be effective, and the boundaries of said City shall not be altered and extended as provided by this Act.

Section 8. The Probate Judge shall be entitled to the same fees for his services performed under the provisions hereof as he is authorized by law to charge and collect for similar services rendered by him, and all other officers shall be entitled to the same compensation for services rendered by them, as they are authorized by law to charge and collect for similar services rendered by them, and said City of Birmingham shall pay all such costs and expenses.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.
Time: 11:40 A.M.

AN ACT

To alter and extend the boundaries of the city of Birmingham; to provide for an election to submit to the qualified electors of the territory to be annexed to said city of Birmingham for their approval or rejection of such alteration and extension.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Birmingham, in the County of Jefferson, State of Alabama, are, subject to the other provisions hereof, hereby altered and extended so that said boundaries shall include within the corporate limits of said city all the following described additional territory not presently located in said city, to-wit:

Begin at the Southwest corner of the Southwest quarter of the Southeast quarter of Section 35, Township 16 South, Range 2 West, which point is on the present corporate limits of the City of Birmingham; thence North along the West line of said Southwest quarter of Southeast quarter of said Section 35, to the North line of said Southwest quarter of the Southeast quarter of said Section 35; thence East along said North line to the West line of the Northeast quarter of the Southeast quarter of said Section 35; thence north along said West line to the North line of said Northeast quarter of Southeast quarter of said Section 35; thence East along said North line to the East line of Long Street; thence North along said East line to the North line of Section 35, Township 16 South, Range 2 West; thence East along said North line and along the North line of Section 36, Township 16 South, Range 2 West, to the East line of the Northwest quarter of the Northwest quarter of said Section 36, said point being on the present corporate limits of the City of Birmingham; thence South along said corporate limits of the City of Birmingham to the South line of Roebuck View Survey; thence East along the present corporate limits of the City of Birmingham to the West line of Five Mile Road; thence South along said corporate limits to the South line of the Northeast quarter of the Northwest quarter of Section 36, Township 16 South, Range 2 West; thence West along said South line to the West line of Elizabeth Drive; thence South along the present corporate limits of the City of Birmingham to the North line of Roebuck Drive; thence West along said corporate limits 100 feet; thence South along said corporate limits to the South line of the Southeast quarter of the Northwest quarter of Section 36, Township 16 South, Range 2 West; thence West along said line, being the present corporate limits of the City of Birmingham to the West line of Roebuck Park Estates; thence South along said line, being the present corporate limits of the City of Birmingham and said line extended, to the North line of the Southeast quarter of the Southwest quarter of Section 36, Township 16 South, Range 2 West;

thence east along said line to the West line of Crow's 1st Addition to Huffman; thence South along said line, being the present corporate limits of the City of Birmingham, to the South line of said Section 36, and the present corporate limits of the City of Birmingham; thence West along said corporate limits to the point of beginning, being situated in Jefferson County, Alabama.

Section 2. During the hours between eight o'clock a.m. and six o'clock p.m., on the first Tuesday after the expiration of forty days after the date upon which this act becomes effective, an election shall be held by the qualified electors residing within the territory described in Section 1 hereof which is to be annexed to said City. Said election shall be held to determine whether or not a majority of the electors residing within the territory above described, to be annexed to said city favor the annexation to said city of said territory. Not less than ten days nor more than twenty days before the date on which said election is to be held the Judge of Probate of Jefferson County, Alabama, shall give notice of the holding of such election by publication in a daily newspaper published within the City of Birmingham, Alabama, which notice shall state the date on which said election is to be held, the voting place, the boundaries within which electors must reside to vote at the said voting place and said notice shall give a description of the territory to be annexed to said city and the names and addresses of the inspectors, clerks, and returning officer appointed for said election.

Section 3. The Judge of Probate of Jefferson County, Alabama, shall designate a voting place within said territory for said election and shall appoint three inspectors of election, two clerks and one returning officer for said voting place, which inspectors shall manage the election at said voting place.

Section 4. Each qualified elector who has resided within the boundaries of the territory hereby annexed to said city for three months next preceding the election may vote at said election but must vote at the voting place designated for said election.

Section 5. Said election shall be conducted in all respects as provided by the general election laws and under the same sanction and penalties, except as changed by the provisions of this Act and except that an official ballot need not be provided. There shall be no voting by absentee ballot.

Section 6. Each voter may furnish his own ballot with the following words written or printed thereon:

"For Annexation" if he desires to vote in favor of annexing the territory to said city, or

"Against Annexation" if he desires to vote against annexing the territory to said city. It shall not be necessary for the

ballot to be of any particular size, form or color. Voting shall be by paper ballot.

Section 7. The inspectors at said voting place must, as soon as the polls are closed, ascertain and certify the results of the election at said voting place to the Judge of Probate of such county and deliver the same to the returning officer, who must at once return the same to the said Judge of Probate, and said Judge must canvass the return made by the inspectors, and if it appears that a majority of the votes cast at the election were "for annexation" the said Judge shall make and enter an order on the records of said Probate Court recording such fact and from the time of the entry of such order this Act shall be fully effective and the boundaries of said City of Birmingham shall be as above set forth. If it appears that a majority of the votes cast at the election are "against annexation" the Judge of Probate shall make and enter an order on the records of said court recording such fact, and this Act shall not be effective, and the boundaries of said city shall not be altered and extended as provided by this Act.

Section 8. The Probate Judge shall be entitled to the same fees for his services performed under the provisions hereof as he is authorized by law to charge and collect for similar services rendered by him, and all other officers shall be entitled to the same compensation for services rendered by them, as they are authorized by law to charge and collect for similar services rendered by them, and said City of Birmingham shall pay all such costs and expenses.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 11:41 A.M.

Act No. 469

H. 995—Lackey, Vacca, Edwards
(Jefferson), Nice, Kaul,
Perry, Meeks.

AN ACT

To alter and extend the boundaries of the city of Birmingham; to provide for an election to submit to the qualified electors of the territory to be annexed to said city of Birmingham for their approval or rejection of such alteration and extension.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Birmingham, in the County of Jefferson, State of Alabama, are, subject to the other provisions hereof, hereby altered and extended so

that said boundaries shall include within the corporate limits of said City all the following described additional territory not presently located in said City, to-wit:

Begin at the intersection of the South line of Section 25, Township 16 South, Range 2 West and the West line of Five Mile Road, which point is on the present corporate limits of Birmingham; thence North along the West line of Five Mile Road and along the North line of Lot 6, Killough Springs First Addition to the West line of the East half of Section 25, Township 16 South, Range 2 West; thence North along said West line to a point 350 feet South of the North line of the Southwest quarter of the Northeast quarter of said Section 25; thence East parallel with said North line to an intersection with the North line of Five Mile Road; thence Eastward along said North line to the West line of Section 30, Township 16 South, Range 1 West; thence South along said West line to the Southwest corner of the Southwest quarter of the Northwest quarter of Section 30, Township 16 South, Range 1 West; thence in an Easterly direction along the South line of said quarter-quarter section to the Southeast corner thereof; thence in a southerly direction along the west line of the northeast quarter of the southwest quarter of Section 30, Township 16 South, Range 1 West, to a point 110 feet South of the Northwest corner of the Northeast quarter of the Southwest quarter of Section 30, Township 16 South, Range 1 West; thence Eastward to a point on the West line of the Northeast quarter of the Southeast quarter of said Section 30, 625 feet North of the Southwest corner of the Northeast quarter of the Southeast quarter of said Section 30; thence South along said West line to the South line of said Northeast quarter of the Southeast quarter of said Section 30; thence East along said South line to the East line of said Section 30; thence South along said East line and along the East line of Section 31, Township 16 South, Range 1 West, to the South line of the Northeast quarter of the Northeast quarter of said Section 31; thence West along said South line to the East line of the West half of the East half of said Section 31; thence South along said East line to the Southeast corner of the Northwest quarter of the Southeast quarter of said Section 31; thence West along the South line of said Northwest quarter of the Southeast quarter of said Section 31, 264.0 feet to the present corporate limits of the City of Birmingham; thence continue Westward and Northward along the present corporate limits of the City of Birmingham to the point of beginning, being situated in Jefferson County, Alabama.

Section 2. During the hours between eight o'clock a.m. and six o'clock p.m., on the first Tuesday after the expiration of forty days after the date upon which this act becomes effective,

an election shall be held by the qualified electors residing within the territory described in Section 1 hereof which is to be annexed to said City. Said election shall be held to determine whether or not a majority of the electors residing within the territory above described, to be annexed to said city favor the annexation to said city of said territory. Not less than ten days nor more than twenty days before the date on which said election is to be held the Judge of Probate of Jefferson County, Alabama, shall give notice of the holding of such election by publication in a daily newspaper published within the City of Birmingham, Alabama, which notice shall state the date on which said election is to be held, the voting place, the boundaries within which electors must reside to vote at the said voting place and said notice shall give a description of the territory to be annexed to said city and the names and addresses of the inspectors, clerks, and returning officer appointed for said election.

Section 3. The Judge of Probate of Jefferson County, Alabama, shall designate a voting place within said territory for said election and shall appoint three inspectors of election, two clerks and one returning officer for said voting place, which inspectors shall manage the election at said voting place.

Section 4. Each qualified elector who has resided within the boundaries of the territory hereby annexed to said city for three months next preceding the election may vote at said election but must vote at the voting place designated for said election.

Section 5. Said election shall be conducted in all respects as provided by the general election laws and under the same sanction and penalties, except as changed by the provisions of this Act and except that an official ballot need not be provided. There shall be no voting by absentee ballot.

Section 6. Each voter may furnish his own ballot with the following words written or printed thereon:

"For Annexation" if he desires to vote in favor of annexing the territory to said city, or

"Against Annexation" if he desires to vote against annexing the territory to said city. It shall not be necessary for the ballot to be of any particular size, form or color. Voting shall be by paper ballot.

Section 7. The inspectors at said voting place must, as soon as the polls are closed, ascertain and certify the results of the election at said voting place to the Judge of Probate of such county and deliver the same to the returning officer, who must at once return the same to the said Judge of Probate, and said Judge must canvass the return made by the inspectors, and if it appears that a majority of the votes cast at the election were "for annexation" the said Judge shall make and enter an order

on the records of said Probate Court recording such fact and from the time of the entry of such order this Act shall be Fully effective and the boundaries of said City of Birmingham shall be as above set forth. If it appears that a majority of the votes cast at the election are "against annexation" the Judge of Probate shall make and enter an order on the records of said court recording such fact, and this Act shall not be effective, and the boundaries of said City shall not be altered and extended as provided by this Act.

Section 8. The Probate Judge shall be entitled to the same fees for his services performed under the provisions hereof as he is authorized by law to charge and collect for similar services rendered by him, and all other officers shall be entitled to the same compensation for services rendered by them, as they are authorized by law to charge and collect for similar services rendered by them, and said City of Birmingham shall pay all such costs and expenses.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 11:42 A.M.

Act. No. 470

H. 996—Lackey, Vacca, Nice,
Edwards (Jefferson),
Kaul, Perry, Meeks.

AN ACT

To provide a separate retirement and relief system for certain of the presently active employees of the city of Birmingham who entered the service of the police department of said city prior to September 19, 1939, and to whom is applicable the pension and relief system provided by Act No. 502 of the regular session of the legislature of 1923, as reenacted and amended: To include in said separate system dependents of said presently active employees; and to render said Act No. 502 inapplicable to said certain presently active employees and their dependents.

Be It Enacted by the Legislature of Alabama:

Section 1. Separate Retirement and Relief System Established.—There is hereby established a separate retirement and relief system for those certain forty-three presently active employees of the City of Birmingham who entered the service of the police department of said city prior to September 19, 1939, and to whom is applicable the pension and relief system provided by Act No. 502 of the regular session of the legislature of 1923, as reenacted and amended, and who are named as follows, to-wit: Jones T. Howell, James H. King, William E. Coleman, Edward W. Crump, Robert A. MacMurdo, Percy E. Jenkins, Cecil B. Golden, Drayton A. Scott, Marion H. Cole, Tremon E.

Lindsey, Abe Goldstein, Benjamin F. Walker, William J. Haley, Guy C. Boutwell, Otha B. Wilson, Arthur D. Kyle, Harry V. Early, Carl L. Ellison, Carl C. Ray, Robert K. Austin, Earl M. Heaton, Woodrow W. Casey, Robert L. Hooper, Samuel W. Hammett, Walter T. Jones, Earl S. Collier, Clarence J. Patillo, Willie M. Prier, Ronald L. Hallmark, William A. Dodson, William W. Rucks, Edward E. McNeal, Z. J. Claburn, Jamie Moore, Arthur F. Lovell, Ellie T. Rouse, William D. Haynie, Charles L. Stevens, Norman C. Propst, Bradley D. Pate, William A. Parker, Charles L. Pierce and James H. Wooley.

Widows and children of the above named employees of the City of Birmingham shall be included in the retirement and relief system hereby established to the extent herein provided. Upon this act becoming effective the above named employees of the City of Birmingham shall be, and shall be deemed, mandatorily members of the retirement and relief system hereby established and shall cease to be members of the pension and relief system provided by Act No. 502 of the regular session of the legislature of 1923, as reenacted and amended; and the provisions of said Act No. 502, as reenacted and amended, shall cease to be applicable to the above named employees of the City of Birmingham, their widows, children and mothers, but the provisions of this act shall become and thereafter be applicable to the above named employees of the City of Birmingham and, to the extent herein provided, their widows and children.

Section 2. DEFINITIONS.—The following words, terms and phrases wherever used in this act, including this section, shall have the meanings respectively ascribed to them in this section, unless the context plainly indicates otherwise or that a more restricted or extended meaning is intended:

“The City”: The City of Birmingham.

“The 1923 system”: The pension and relief system provided by Act No. 502 of the regular session of the legislature of 1923, whether as originally enacted or as reenacted or amended.

“The system”: The retirement and relief system established by this act.

“In the service”: In the service of the city as a member (other than a reserve force member) of its police department or as a jail warden before, on or after the effective date of this act.

“Salary”: Money remuneration for time in the service.

“Payroll period”: A period of time for which a payment of salary is ordinarily made.

“Earnable daily rate”: Monthly rate of salary for time in the service divided by thirty.

"Salary days": Such number of days of a payroll period as equals the actual amount of salary paid to or for or to and for a member of the system for time in the service in such payroll period, divided by the daily earnable rate of such member for such payroll period.

"Paid membership time": The aggregate of salary days of a member of the system from the salary for which deduction is made pursuant to the provisions of this act for the treasury of the city. Three hundred sixty salary days shall constitute a year of paid membership time, but this shall not be construed to mean that less than 365 actual days may be counted as a year of creditable time.

"Prior service time": Time of a member of the system in the service prior to the effective date of this act, except time in the service prior to said effective date for which the member of the system may have received no service pay from the city.

"Creditable time": The creditable time of a member of the system shall include all his prior service time and all his paid membership time.

"Final average salary": The final average salary of any member of the system for purposes of this act shall be the total amount of his salary for such period of five years of consecutive creditable time as may be most favorable to him, divided by sixty; provided, however, that if, because of fault, misconduct or inefficiency upon his part, a member of the system shall have been demoted more than five years prior to date of his retirement or date of commencement of his disability, as the case may be, such most favorable period shall be subsequent to date of demotion; provided, further, that if a member of the system shall have been demoted for such cause within five years of date of his retirement or date of commencement of his disability, as the case may be, his final average salary shall be the total amount of his salary for the five years of his creditable time next preceding date of his retirement or date of commencement of his disability, as the case may be, divided by sixty; and provided, further, that no member of the system shall be deemed to earn, or to have earned, for any payroll period ending subsequent to the effective date of this act, salary at a rate in excess of Four hundred dollars (\$400) per month.

"Beneficiary": One in whose favor monetary benefits hereunder are accruing on account of retirement, widowhood, childhood or disability.

"Severance nominee": One designated as such under Section 9 of this act.

"The comptroller": The comptroller of the city, or if hereafter the employee of the city whose duties are those of treas-

urer or chief financial employee shall be known by some other title, then the employee having said duties.

"The board": The board of managers provided for by section 15 of this act for the administration, management and control of the system.

Section 3. CONTRIBUTIONS BY MEMBERS OF THE SYSTEM.—At the end of each payroll period ending subsequent to the effective date of this act, the city shall deduct from the salary of each member of the system an amount equal to six per centum (6%) of his salary for such payroll period, provided, however, that for the purpose of such deductions pursuant to the provisions of this section no member of the system shall be deemed to earn, or to have earned, salary at a rate in excess of four hundred dollars (\$400) per month. The city shall promptly pay each and every deduction in this section hereinabove provided for into the general treasury of the city (herein referred to as "the treasury"), and such deduction so paid into the treasury shall be known as a contribution of the member of the system to the treasury. The comptroller is specifically charged with the duty of making such deductions from salaries and of making such payments into the treasury. Such payments shall become and be part of the funds and assets of the treasury. The comptroller, however, shall keep a separate account of such deductions from salaries and payments thereof into the treasury and of all disbursements made pursuant to the provisions of this act and of all prior service time and paid membership time of members of the system. In the adjudication of claims under this act, the records of the comptroller made and kept for the purposes of this act shall be deemed, *prima facie*, to speak the truth.

Section 4. REFUND OF ERRONEOUS CONTRIBUTIONS.—If measured by the provisions of this act, any amount shall be erroneously deducted from the salary of any person who is not a member of the system and paid into the treasury, such amount shall be refunded to such non-member.

Section 5. BAR OF CLAIM OF CREDITABLE TIME.—In the event the city should, through error, inadvertance or otherwise, neglect to make proper deduction for the treasury from the salary of any member of the system for any payroll period, the member of the system shall have a right to pay into the treasury the amount which should have been deducted for such payroll period at any time within three months after expiration of such payroll period, together with interest thereon, at the rate of six per cent (6%) per annum, and to count the principal so paid as a salary deduction contribution. In the event of failure of such member of the system to so pay within such time, he shall forfeit any right to so pay thereafter. In the event any tender of such payment within such time shall be refused, the member of the system may, within three months

after such refusal, institute mandamus proceedings to compel acceptance, and in such proceeding the court shall treat as included in the proceedings the question of right of the member of the system to make contribution for any payroll period subsequent to the aforesaid payroll period and prior to date of its order for which proper salary deduction was not made. Nothing herein contained shall be construed to prevent the city from recovering at any time, with six per cent per annum interest, any amount which should have been deducted for any payroll period but which was not deducted.

Section 6. RETIREMENT ALLOWANCES.—(a) Any member of the system who shall be now or hereafter of the age of sixty or more years and who shall have now or hereafter accumulated fifteen or more years of creditable time, or any member of the system who, regardless of age, shall have now or hereafter accumulated twenty-five or more years of creditable time, shall be entitled to voluntarily retire from the service and obtain a retirement allowance, and if, being so entitled to voluntarily retire and obtain a retirement allowance, he should voluntarily retire, or be involuntarily retired from the service, he shall be entitled to a monthly retirement allowance from the treasury as hereinafter in this subdivision (a) of this section specified. The monthly amount which shall be allowed any member of the system who shall be entitled to a retirement allowance under this subdivision of this section shall be one and two-fifths per centum ($1\frac{2}{5}\%$) of his final average salary multiplied by such number of years of his creditable time as shall not exceed twenty-five years of his creditable time, plus three and one-half per centum ($3\frac{1}{2}\%$) of his final average salary multiplied by the number of years of his creditable time in excess of twenty-five years of his creditable time, but in no event shall such monthly retirement allowance exceed fifty-two and one-half per centum ($52\frac{1}{2}\%$) of his final average salary. The amount of any retirement allowance under this subdivision of this section shall commence to accrue at date of retirement. (b) Any member of the system who shall not be entitled to voluntarily retire and obtain a retirement allowance under subdivision (a) of this section, and who may be involuntarily retired after having accumulated twenty (20) years of creditable time, shall be entitled to a monthly retirement allowance from the treasury equal to one and two-fifths per centum ($1\frac{2}{5}\%$) of his final average salary multiplied by the number of years of his creditable time, but in no event shall such monthly retirement allowance exceed fifty-two and one-half per centum ($52\frac{1}{2}\%$) of his final average salary. Anything hereinabove to the contrary notwithstanding, no retirement allowance shall be made or paid under this subdivision of this section to any person under sixty years of age unless, within sixty days after date of involuntary retirement or dismissal of such person, the personnel board or other agency governing

tenure of service of employees of the city shall certify that such employee has not contributed by his own fault or misconduct to his separation from the service. If such certificate shall be made within said time the amount of retirement allowance shall commence to accrue at date of involuntary retirement, and if such certificate shall not be made within said time, the amount of retirement allowance shall commence to accrue at age sixty, provided there shall be no withdrawal of any amount pursuant to section 10. Anything hereinabove to the contrary notwithstanding, a retirement allowance under this subdivision of this section shall not accrue or be payable for any period during which such involuntarily retired person shall refuse or fail to accept proffered employment in the service at compensation equal to that he was receiving at the time he was involuntarily separated from the service. (c) The board may treat the end of the Payroll period next before actual date of retirement of a member of the system as the date of his retirement for purposes of computation, and, for such purposes, may disregard a fraction of a year of creditable time less than one-fourth ($\frac{1}{4}$). (d) Subject to the provisions of subdivisions (b), (e) and (f) of this section, the amount of any retirement allowance which may have commenced to accrue in accordance with the provisions of this act shall continue to accrue throughout the life of such person. (e) If, after any person shall have retired or been retired as hereinabove in this section provided, and the amount of his retirement allowance shall have commenced to accrue, he should be re-employed in the service, he shall again become a member of the system under the terms of this act, and shall again contribute to the treasury as in the case of any other member of the system, and accrual of the amount of his retirement allowance shall be suspended during the period of his renewed employment in the service, and upon any subsequent voluntary or involuntary retirement from the service the amount of his former retirement allowance shall again commence to accrue at the same rate as formerly, and he shall be entitled to allowance of such additional amount, if any, as his additional paid membership time may have earned for him. (f) In the event of death of any member of the system after he shall have become entitled to voluntarily retire and obtain a retirement allowance, his widow, at the time of his death, provided she has been married to him for five consecutive years while he was employed in the service, shall be entitled to a monthly widow's allowance in an amount equal to forty per centum (40%) of the amount of monthly retirement allowance to which her deceased husband would have been entitled had he retired immediately before death; and in the event of death of any retired beneficiary in whose favor the amount of a monthly retirement allowance is accruing, his widow, at the time of his death, provided she was married to him for at least five years while he was in the service, shall be entitled to a monthly widow's allowance in an amount equal to forty per centum (40%)

of the monthly amount of the retirement allowance accruing in favor of her deceased husband immediately prior to his death.

(g) If a member of the system be killed in the line of his duty, his widow, if any, without regard to the time during which the marriage existed, shall be entitled to a monthly allowance of forty per centum (40%) of the final average salary of such member of the system plus a monthly allowance of ten per centum (10%) of the final average salary of such member of the system for each child of such widow by such deceased member of the system until such child shall die or reach the age of eighteen (18) years, whichever may first occur. In the event such member of the system killed in line of duty leaves no widow surviving, or in the event of the death of his widow, the monthly allowance provided hereby for any child of such deceased member of the system shall be payable to the legal guardian of, or to the person who has custody of, said child for the use and benefit of said child. The total amount of monthly allowances payable under this subdivision (g) to the widow and child or children of a deceased member of the system shall in no event exceed fifty per centum (50%) of the final average salary of such deceased member of the system. In the event there is more than one child of such deceased member of the system entitled to an allowance hereunder, the widow, if any, shall nevertheless receive forty per centum (40%) of the deceased member's final average salary, as hereinabove provided; and the allowance for the children, so long as there are a widow and more than one child receiving an allowance hereunder, shall be reduced equally so that in no event shall the total allowances paid hereunder exceed fifty per centum (50%) of the final average salary of such deceased member of the system.

(h) The amount of a widow's allowance, provided for in (f) and (g) above shall commence to accrue at the death of her husband, and shall continue to accrue to the time of her death or remarriage, whichever may first occur.

Section 7. DISABILITY ALLOWANCES.—(a) If any member of the system shall become totally disabled, either physically or mentally, to perform his customary duties, whether by reason of disease, injury, accident or otherwise, and the provisions of subdivision (b) of this section shall not be applicable, then, in the event such total disability shall continue for sixty consecutive calendar days from commencement thereof, such disabled person shall be entitled to a monthly disability allowance from the treasury equal to one and three-fourths per centum ($1\frac{3}{4}\%$) of his final average salary multiplied by the number of years of his creditable time, such monthly allowance, however, not to exceed thirty-five per centum (35%) of his final average salary, and the amount of such disability allowance to commence to accrue at the expiration of sixty calendar days after commencement of such total disability and to continue to accrue until such time as such person is no longer totally disabled to

perform his customary duties or substantially comparable duties. An allowance under this subdivision of this section shall be known as an "ordinary disability allowance". (b) If a member of the system shall become totally disabled, either physically or mentally, to perform his customary duties by reason of personal injury received as a result of an accident arising out of and in the course of his employment in the service and occurring at a definite time and place, then, in the event such total disability shall continue for sixty consecutive calendar days from commencement thereof, such disabled person shall be entitled to a monthly disability allowance from the treasury equal to the lesser of two hundred forty (\$240.00) or sixty per centum (60%) of his monthly salary at the time of the accident resulting in such total disability, the amount of such total disability allowance to commence to accrue at the expiration of such sixty consecutive calendar days after commencement of such total disability and to continue to accrue until such time as such person is no longer totally disabled by such injury to perform his said customary duties, or substantially comparable duties. An allowance made under this subdivision of this section shall be known as an "extraordinary disability allowance", but no disability allowance shall be made by the board under this subdivision of this section after twelve months after the accident resulting in such disability or if such accident occurred while the disabled person was employed by another than the city. No disability allowance shall be treated as an extraordinary disability allowance unless the resolution by which it is made contains the specification that it is an extraordinary disability allowance and unless such resolution be passed within twelve months after the accident resulting in disability. In event that an extraordinary disability beneficiary should become separated from the service during continuance of total disability and such total disability from such injury should thereafter cease, the board may, in its discretion, continue him on the disability roll until such time as, in the judgment of the board, he should be able to find suitable employment at a rate of pay equal to the rate of his disability allowance. (c) No disability allowance shall be made by the board until after satisfactory proof has been made to the board of total disability by certificate of at least one licensed and practicing physician or surgeon. The board shall have power to require certificates of more than one such physician or surgeon and such further proof of total disability as it may reasonably deem necessary. The board may from time to time require further such certificates and other proof to determine whether total disability still exists. No disability pay shall be allowable or paid to any person for any period for which such person is due or has been paid any salary from or by the city. (d) Resumption of active duty by a member of the system after cessation of active duty on account of total disability shall be conclusive evidence of termination of such total disability for the purposes of this act, and any subsequent cessation of active

duty on account of total disability, whether by reason of the same or different cause, shall be treated as a new disability; provided, however, that if one who has become totally disabled to perform his customary duties by reason of personal injury received as a result of an accident arising out of and in the course of his employment in the service and occurring at a definite time and place should resume active duty within a time limit of twelve months after the accident resulting in total disability and for trial period or periods not exceeding an aggregate of one hundred eighty days within such time limit of twelve months after such accident, then, such resumption or resumptions of active duty shall not be conclusive evidence of termination of total disability and such one shall not be prevented by such resumption or resumptions of active duty from showing that total disability resulting from such accident exists or still continues, if such be the case. (e) If any disability beneficiary should become separated from the service and withdraw his contributions or any amount payable under Section 11 his right to continuance of disability benefits shall immediately cease.

Section 8. REDUCTION OF ALLOWANCES.—Any amount otherwise payable pursuant to the provisions of this act to any beneficiary for any month or part thereof on account of retirement, widowhood or disability shall be reduced by the amount, if any, paid or payable to such beneficiary for the same month or part thereof on account or by reason of employment of said beneficiary during such month as an employee of the city.

Section 9. SEVERANCE NOMINEE.—The comptroller shall keep a book or record in which any member of the system may designate the name of a person to receive return of contributions made by him, and any amount payable under Section 11, in the event of his death prior to commencement of accrual of a retirement allowance in his favor. Any such designation may be changed from time to time by the member of the system. Each such designation shall be signed and dated by the member of the system, and the last signed and dated designation shall prevail over any former designation. The rights of the last designated severance nominee shall be governed by Section 10.

Section 10. SEPARATION FROM SERVICE; PAYMENTS BY REASON OF SALARY DEDUCTIONS; RE-EMPLOYMENT AND RESTORATION OF PAYMENTS BY REASON OF SALARY DEDUCTIONS.—In the event that prior to the time he shall become a retirement beneficiary under the provisions of this act any member of the system should become separated from the service by death without widow or child entitled to an allowance hereunder or by discharge, dismissal, resignation, quitting or otherwise, he shall cease to be a member of the system, and, at the end of the payroll period in which any such event may occur, the treasury shall become liable for an amount

equal to the aggregate of (a) the amount of contributions theretofore made to the treasury by such member of the system pursuant to section 3, without interest, less one-half of any disability benefits theretofore paid the member of the system pursuant to the provisions of this act, and (b) any amount that may be payable pursuant to section 11. The amount of such liability of the treasury shall be paid to the former member of the system if living. If such former member of the system be dead, however, the amount of such liability shall be paid to personal representatives who may qualify as such and make demand for payment within sixty days after death of such former member of the system, or, if there be no such qualification and demand, to the severance nominee of the former member of the system, or, if there be none, then to the spouse, children, father, mother, sisters or brothers of deceased in order of priority as enumerated. No amount due from the treasury under the foregoing provisions of this section shall bear interest until thirty days after proper demand for payment thereof. In the event any member of the system should become separated from the service and receive payment from the treasury pursuant to the foregoing provisions of this section and thereafter again become a member of the police department of the city he shall again become a member of the system and shall be liable to the city for restoration to the treasury of the full amount so received by him, and the comptroller shall deduct from the salary of such member of the system the amount of such liability for restoration in twenty monthly installments of substantially equal amount or in such lesser number of substantially equal restoration installments as will permit no installment to be less than ten dollars; provided, however, such member of the system shall have the right to pay in cash in advance of maturity, all restoration installments, or, in the inverse order of maturity, any number of installments less than all. Every restoration installment shall bear interest at the rate of six per centum per annum, and upon completion of payment thereof, with interest, the member of the system shall be entitled to count as creditable time all creditable time earned by him prior to so again becoming a member of the system. Anything hereinabove to the contrary notwithstanding, however, any person who may become liable for restoration under the foregoing provisions of this section may discharge himself of such liability and of interest thereon by filing with the comptroller within thirty days after attachment of such liability a written declaration that he elects to surrender creditable time prior to so again becoming a member of the system and to not be liable for restoration as in this section provided. Neither any member of the system or former member of the system, nor anyone claiming under him, shall be entitled to any payment from the treasury pursuant to the provisions of this section after the amount of any retirement allowance shall have commenced to accrue in his favor.

Section 11. PAYMENT BY REASON OF SALARY DEDUCTIONS UNDER THE 1923 SYSTEM.—Upon any return of contributions (less one-half of disability benefits) pursuant to Section 10 of this act there shall also be paid from the treasury, to the same person or persons, an amount equal to the aggregate of all deductions made subsequent to September 19, 1939 from the salary of the member of the system while he shall have been a member of the 1923 system less one-half of any disability benefits paid to him subsequent to September 19, 1939 as a member of the 1923 system.

Section 12.—LIABILITY OF MEMBERS OF THE SYSTEM TO THE CITY.—Any debt or liability of a member of the system to the city shall be offset against, and deducted from, any amount due under the provisions of this act to the member of the system or those claiming under him either as a payment under Section 10 or as disability or retirement payments or otherwise, and only the balance, if any, shall be payable under the provisions of this act.

Section 13.—FALSE REPRESENTATIONS.—It shall be a misdemeanor, and punishable as such, for any member of the system or beneficiary to knowingly make any false representation to the board or to the secretary of the board or to the comptroller or to any investigator or agent of the board in respect of any matter pertaining to the administration of the system.

Section 14. EXEMPTIONS.—No retirement or disability allowance nor any amount payable thereunder shall be subject to assignment or to any process for the collection of debts, provided that this shall not apply to assignments or debts to the city. Subject to section 9, no liability of the treasury under section 10 shall be subject to assignment, and, subject to the provisions of section 10 in relation to payment to personal representatives, no liability of the treasury under section 10 shall be subject to any process for the collection of debts.

Section 15. BOARD OF MANAGERS.—(a) There shall be a board of managers for the administration, management and control of the system. The board shall consist of the board of managers (as from time to time constituted) of the City of Birmingham Retirement and Relief System provided for in Act No. 929 of the regular session of the legislature of 1951, as amended. The chairman and secretary of said board of managers of the said City of Birmingham Retirement and Relief System, from time to time in office, shall respectively be chairman and secretary of the board. The board is directorily required to meet at least once a month in the office of the chairman, or such other place as the board may designate, on the second Thursday, or such other day as the board may designate, in each calendar month. Any two members of the board, after

due notice having been given to all members of the board, may meet in special meeting and transact any business of the board, provided the secretary be present and record the proceedings of the special meeting as hereinafter provided. The secretary of the board shall be present at every meeting of the board, and keep a record of all proceedings of the board and of all orders and decisions of the board. Neither the secretary nor any member of the board shall receive any salary or compensation for his services as such. Two members of the board, when assembled in either regular or special meeting, shall constitute a quorum for the transaction of any and all business of the board, and the affirmative vote of two members shall be necessary and sufficient to pass any motion or resolution. The board is empowered to make rules and regulations not inconsistent with the provisions of this act in relation to its affairs and the system. The board shall receive, investigate and pass upon all applications for retirement, disability, widow and child allowances and shall make retirement, disability, widow and child allowances in accordance with the provisions of this act to all persons entitled thereto under this act, and its decision upon all matters of fact shall be final and conclusive unless it shall be affirmatively made to appear that its decision is plainly and manifestly wrong. All disbursements pursuant to the provisions of this act shall be made from the treasury by the comptroller. No disbursement shall be made pursuant to the provisions of this act except pursuant to order or authorization of the board; but otherwise the powers of the board shall not extend to management of the funds or assets comprising or from time to time held in the treasury, or any part thereof.

Section 16.—REPEAL AND AMENDMENT RESERVATION.—The legislature reserves the power to amend, alter or repeal this act.

Section 17.—NAME.—The name of the system shall be "The Limited Policemen's Retirement and Relief System of Birmingham, Alabama."

Section 18.—EFFECTIVE DATE.—This act shall become effective on the first day of the calendar month next succeeding the calendar month in which this act shall be approved by the Governor or otherwise become a law.

Approved September 9, 1955.

Time: 11:43 A.M.

Act No. 471

H. 1001—Meeks, Nice, Perry, Kaul,
Vacca, Edwards (Jefferson), Lackey.

AN ACT

Relating to the municipality of Kimberly in Jefferson County: To

alter, rearrange, and extend the boundaries and corporate limits of the Town of Kimberly.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the municipality of Kimberly in Jefferson County are hereby altered, rearranged, and extended to include within the corporate limits of the Town of Kimberly the following described territory situated in Jefferson County, Alabama, in addition to that already within the corporate limits, to-wit:

Begin at the southeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, Township 14, Range 3 West, Jefferson County, Alabama; thence run in a westerly direction along the south line of said quarter quarter section 554 feet; then turn to the right in a northerly direction and run in a line parallel to the east line of said quarter quarter section to the north line of said quarter quarter section; thence run east along the north line of said quarter quarter section which is a boundary line of the Town of Kimberly to the southwesterly line of the right-of-way of U. S. Highway No. 31; thence run in a southeasterly direction along the southwesterly line of the right-of-way of the said Highway No. 31 and in a southerly direction along the west line of said right-of-way of Highway No. 31 which is a boundary line of the Town of Kimberly to the southerly line of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36, Township 14, Range 3 West, Jefferson County, Alabama; thence turn to the right and run in a westerly, direction along the south line of said quarter quarter section which is a boundary line of the Town of Kimberly to the point of beginning, said property being partly in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35, Township 14, Range 3 West, and partly in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36, Township 14, Range 3 West, Jefferson County, Alabama, and being adjacent to the easterly line of the Town of Kimberly.

Also begin at the northwest corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, Township 14, Range 3 West, Jefferson County, Alabama, run thence in a northerly direction along the west line of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section township and range to the southwesterly line of the right-of-way of the Louisville and Nashville Railroad; thence turn to the south and east and run along the said southwesterly line of said railroad right-of-way to the southern line of the said NE $\frac{1}{4}$ NE $\frac{1}{4}$; thence turn to the right and run along the southern line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, Township 14, Range 3 West to the point of beginning.

Section 2. This Act shall become effective on October 3, 1955 after its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 11:44 A.M.

Act No. 472

H. 1002—Cornett, Brassell

AN ACT

To amend further Act No. 75, H. 379, approved May 28, 1943, which provided for the appointment of a deputy circuit clerk of the circuit court of Russell County, Alabama, and provided for the payment of his compensation (Local Acts of 1943, p. 41).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 75, H. 379, approved May 28, 1943, the Act which provided for the appointment of a deputy circuit clerk of the circuit court of Russell County, Alabama, and provided for the payment of his compensation (Local Acts of 1943, p. 41), as amended by an Act approved June 19, 1947, is amended further to read as follows:

"Such deputy circuit clerk so appointed shall be paid a salary out of the general fund of Russell County of not less than one thousand eight hundred nor more than two thousand eight hundred twenty dollars per annum, to be paid in twelve equal monthly installments. The salary of the deputy circuit clerk shall be fixed by the county commission of Russell County."

Section 2. This Act shall become effective October 1, 1955.

Approved September 9, 1955.

Time: 11:45 A.M.

Act No. 473

H. 1003—Cornett, Brassell.

AN ACT

To amend Act No. 74, H. 378, approved May 28, 1943, entitled "An Act to authorize and empower the judge of probate of Russell County, Alabama, to appoint a chief clerk, and to fix the salary and provide the method of payment of the salary of said chief clerk" (Local Acts of 1943, p. 40).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 74, H. 378, approved May 28, 1943, entitled "An Act to authorize and empower the judge of probate of Russell County, Alabama, to appoint a chief clerk, and to fix the salary and provide the method of payment of the salary of said chief clerk" (Local Acts of 1943, p. 40), is amended to read as follows:

"The chief clerk so appointed shall be paid a salary of not less than one hundred fifty dollars nor more than two hundred thirty-five dollars per month, said salary to be fixed by the county commission of Russell County, Alabama."

Section 2. This Act shall become effective October 1, 1955.

Approved September 9, 1955.

Time: 11:46 A.M.

Act No. 474

H. 1004—Cornett, Brassell.

AN ACT

To amend further Act No. 16, H. 120, approved May 20, 1943, which authorized the tax assessor and tax collector of Russell County, Alabama, each to appoint a deputy and provided for the payment of the compensation of such deputies (Local Acts of 1943, p. 9).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 16, H. 120, approved May 20, 1943, the Act which authorized the tax assessor and tax collector of Russell County, Alabama, each to appoint a deputy, and provided for the payment of the compensation of such deputies (Local Acts of 1943, p. 9), as amended by an Act approved May 26, 1949, is amended further to read as follows:

"The salaries of the deputy tax assessor and the deputy tax collector shall be fixed by the county commission of Russell County, Alabama, at not less than one thousand eight hundred nor more than two thousand eight hundred twenty dollars per annum. Such salaries shall be paid by the county commission out of the general fund in the county treasury in twelve monthly installments."

Section 2. This Act shall become effective October 1, 1955.

Approved September 9, 1955.

Time: 11:47 A.M.

Act No. 475

H. 1005—Payne, McKay.

AN ACT

To further regulate the preparation of jury rolls and the filling and refilling of jury boxes of Talladega County and to provide for the method of serving notice upon jurors requiring their attendance for jury service in said county.

Be It Enacted by the Legislature of Alabama:

Section 1. Unless sooner required by order of the presiding Judge of the Circuit Court, the Jury Commission of Talladega County shall meet in the county courthouse in Talladega on the first Monday of October, 1955, and on said day each two years thereafter, make in a well bound book a roll containing the name of every male citizen living in the county who possesses the qualifications prescribed by law and who is not exempted by law from serving on juries. The roll shall be arranged alphabetically and by precincts in their numerical order and the jury commission shall cause to be written on the roll opposite every name placed thereon their name, occupation and place of business of every person selected and if the residence has a street number, it must be given. Upon completion of the roll,

the Jury Commission shall cause to be prepared plain white cards, all of the same size and texture and shall have written or printed on the cards the name, occupation, place of residence and place of business of the persons whose name has been placed on the jury roll; writing or printing but one person's name, occupation, place of residence and of business on one card. When the cards have been so prepared, the Jury Commission shall then segregate, remove and set aside the cards bearing the names of all jurors who served as jurors during the two years next preceding September 15th of that year. The names of the jurors on the cards so removed shall continue on the rolls as qualified jurors, but the cards shall not then be placed in the jury box, but shall be retained as a reserve to be used as hereinafter provided. All other cards prepared as herein provided, shall then be placed in a substantial metal box provided with a lock and two keys, which box shall be kept in a safe or vault in the office of the Probate Judge, and if there be none in that office, the Jury Commission shall deposit it in any safe or vault in the Court House to be designated on the minutes of the Commission, and one of said keys thereof shall be kept by the President of the Jury Commission. The other of said keys shall be kept by the Presiding Judge of the Circuit Court for the sole use of the Judges of the Courts of said county needing jurors. The jury roll shall be kept securely and for the use of the Jury Commission exclusively. It shall not be inspected by anyone except the members of the Commission or by the Clerk of the Commission upon authority of the Commission, unless under an order of a Judge of the Circuit Court or other court of record having jurisdiction.

Section 2. Whenever the names in the jury box are exhausted or so far depleted that they will probably be exhausted at the next drawing of jurors; or whenever it shall appear to the Presiding Judge of the Circuit Court or Court of like jurisdiction that the jury box is so nearly exhausted as to require refilling, and the said Judge shall notify the President of the Jury Commission; the said Jury Commission shall thereupon place into the jury box all cards containing the names of jurors as prepared under the provisions of this Act in Section 1 and which have been withheld from the box when filled and set aside as a reserve. Provided, however, that in placing the cards held as a reserve in the box the Jury Commission may delete and withhold the cards of the names of any jurors who have died or have otherwise become disqualified from serving as jurors.

Section 3. Notices of the requirement of the attendance of jury service may be served by registered mail, or may be served as provided by Section 33 of Title 30, Code of Alabama of 1940. Should in the discretion of the sheriff the service be made by registered mail, such service shall be as follows: It

shall be the duty of the Sheriff of the County to enclose the summons in an envelope addressed to the person to be served and place all necessary postage thereon and demand a return receipt. When a return receipt, signed by the addressee is returned to the sheriff by the post office department of the United States the sheriff shall thereupon mark the process executed and it shall be considered for all purposes as sufficient personal and legal service. In the event said jury summons so mailed should be returned to the sheriff by the post office department of the United States without delivery to the addressee then the sheriff shall immediately make every effort personally to serve said summons. The provisions of this section in reference to service by registered mail, however, shall not apply to jury summons returnable before the court instantanly, but such summonses shall be served only as provided by Section 33 of Title 30, Code of Alabama of 1940.

Section 4. The clerks of the several courts in which juries are empaneled shall, from time to time as the juries are empaneled, certify to the Jury Commission the names of all persons so empaneled, and the Clerk of the Commission, under the direction of the Commission, shall note opposite the names of such persons on the jury roll the date on which and the court in which they were empaneled.

Section 5. The clerks of the several courts shall also certify to the Jury Commission the names of all persons who have been found by the Court to be disqualified or exempt, which fact shall be noted opposite their respective names on the jury roll.

Section 6. Any authority, right, power and duty heretofore imposed by law on the Jury Commission of the county or the clerk thereof, and which is not by this Act specifically repealed, shall here after be exercised or performed by the Jury Commission or the clerk thereof, respectively.

Section 7. That all laws in conflict with any of the provisions of this Act be and the same are hereby repealed, it being the intent of the Legislature that the subjects covered by this Act be the exclusive law on such subjects in Talladega County. Provided, however, nothing contained in this Act shall be construed to limit the present authority of the Judge of the Circuit Court or other Court of like jurisdiction from exercising any of the power given such Judge under Title 30, Section 22 of the Code of Alabama of 1940.

Section 8. That in the event any section, clause or provision of this Act shall be declared invalid or unconstitutional, it shall not be held to affect any other section, clause or provision of this Act, but the same shall remain in full force and effect.

Section 9. This Act shall take effect immediately upon its passage and approval by the Governor.

Approved September 9, 1955.
Time: 11:48 A.M.

Act No. 476

H. 627—Roberts, Reynolds.

AN ACT

Creating the office of Deputy Circuit Solicitor in the Twenty-third Judicial Circuit; and providing for his appointment, duties and compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. The office of Deputy Circuit Solicitor of the Twenty-third Judicial Circuit is hereby created. Such Deputy Circuit Solicitor shall be appointed by and shall serve at the pleasure of the Circuit Solicitor of the Twenty-third Judicial Circuit.

Section 2. Such Deputy Circuit Solicitor shall be invested with all the rights, powers, privileges, immunities, obligations and responsibilities of the Circuit Solicitor. He, however, shall perform the duties of his office under the direction and control of the Circuit Solicitor.

Section 3. The Deputy Circuit Solicitor of the Twenty-third Judicial Circuit shall be paid by the State of Alabama an annual salary of forty-two hundred dollars (\$4200.00), payable as the salaries of other state officers are paid. Such Deputy Circuit Solicitor shall also be paid as additional compensation the sum of twelve hundred dollars (\$1200.00) per year by Madison County from the general funds of said county, payable as the salaries of county officers are paid.

Section 4. All laws or parts of laws which conflict with the provisions of this Act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 9, 1955.
Time: 11:49 A.M.

Act No. 477

H. 861—Brewer, Dement, Lee
(Lawrence), Gilchrist.

AN ACT

To provide an additional expense allowance for the circuit judges of the Eighth Judicial Circuit; and to provide for the manner of payment of this allowance.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other allowances and compensation provided circuit judges by law, there shall be paid to each circuit judge of the Eighth Judicial Circuit, in equal monthly installments, an allowance of one thousand two hundred dollars (\$1,200) per annum, for the purpose of defraying the expenses incurred by such judges in the performance of their official duties. The allowance provided for herein shall be paid from the general funds of the counties comprising the circuit, and shall be apportioned equally among such counties, so that each of the counties shall pay an equal amount of the prescribed allowance.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 11:50 A.M.

Act No. 478

H. 486—Hawkins, Fite.

AN ACT

To amend Sections 3, 4 and 5 of Act No. 515, H. 93, approved July 9, 1945 (General Acts 1945 p. 734) as amended, which relates to the Employees' Retirement System of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That Sections 3 of Act No. 515, H 93, approved July 9, 1945 (General Acts 1945 p. 734) as amended, be and the same is hereby amended to read as follows: S. 3. MEMBERSHIP —The membership of the retirement system shall be composed as follows: (1) All persons who shall become employees after the date of establishment shall become members of the retirement system as a condition of their employment. (2) Any person who is an employee on the date of establishment shall become a member as of that date unless within a period of ninety days next following, such employee shall file with the board of control on a form prescribed by the board a notice of his election not to be covered in the membership of the system and a duly executed waiver of all present and prospective benefits which would otherwise inure to him on account of his membership in the retirement system. (3) An employee whose membership in the retirement system is contingent on his own election and who elects not to become a member, may thereafter apply for and be admitted to membership with all prior service credit as otherwise provided for in this chapter by applying for such membership at any time prior to January 1, 1952, provided said employee pays to the treasurer of the said retirement system on or before January 1, 1952, a sum equal to the

total contributions which he would have made as a member during the period of his service as an employee from October 1, 1946 to the date of his application for membership; and, provided further, that said employee is identified as a member of the retirement system by the active register number under which he was first enrolled as a member. (4) The board of control may, in its discretion, deny the right to become members to any class of employees whose compensation is only partly paid by the state. (5) (a) Should any member in any period of six consecutive years after becoming a member be absent from service more than five years, or withdraw his contributions, as provided in subsection (6) (a) of section 5, or retire or die, he shall thereupon cease to be a member; provided that the board of control may continue the membership of a member entering directly into the armed forces of the United States, if he does not withdraw his contributions as provided in subsection (6) (a) of section 5 of this act. (b) Anything in this act to the contrary notwithstanding, if any member enters directly into the armed forces of the United States and does not withdraw his contributions as provided in subsection (6) (a) of section 5 of this act, and if he returns to service as an employee within one year after having been honorably discharged from the armed forces, membership service credit may be granted by the board of control for the period of such service in the armed forces, provided that upon his subsequent return to service as an employee he elects to make up his contributions for the period of his service in the armed forces by authorizing, in writing special contributions to be deducted from his salary in such amounts as will make up contributions before the end of a period equal to the length of his service in the armed forces, or before the attainment of age sixty, whichever occurs first, on the basis of his rate of earnable compensation at the time his service in the armed forces commenced. Provided further that in the case of a state policeman the age of fifty-six shall apply. (c) Any employee who entered directly into the armed forces of the United States before the date of establishment and who returns to service within one year after having been honorably discharged from the armed forces and who elects to become a member within ninety days thereafter may be deemed by the board of control to be a member at establishment and to be entitled to credit for prior service, and for service in the armed forces after the date of establishment, under the same conditions as credit for membership service is allowed members entering into the armed forces after the date of establishment. (d) No benefit under the retirement system other than the return of contributions as provided in subsection (6) (a) of section 5 of this act shall become payable to or on account of any member while he is not in service as an employee, if the creditable service of such member is less than twenty-five years, or unless the member withdraws from service after reaching age sixty, or if a State policeman, the age of fifty-

six shall apply. Anything in this act to the contrary notwithstanding, any member having twenty-five or more years of creditable service shall be eligible to continue in the membership of the system until he files application for service retirement in accordance with the provisions of subsection (1) of section 5 of this act.

Section 2. That Section 4 of Act 515, H 93, approved July 9, 1945 (General Acts 1945 p. 734) as amended, be and the same is hereby amended to read as follows: S. 4. CREDITABLE SERVICE.—(1) Under such rules and regulations as the board of control shall adopt, each member, who was an employee prior to the date of establishment of the system, and who becomes a member prior to January 1, 1952, shall file a detailed statement of all service as an employee rendered by him prior to the date of establishment for which he claims credit. (2) The board of control shall fix and determine by appropriate rules and regulations how much service in any year is equivalent to one year of service but in no case shall it allow any credit for a period of absence without pay of more than one month's duration, nor shall more than one year of service be creditable for all service in one calendar year. (3) Subject to the above restrictions and to such other rules and regulations as the board of control may adopt, the board of control shall verify, as soon as practicable after the filing of such statements of service, the service therein claimed. (4) Upon verification of the statements of service, the board of control shall issue prior service certificates certifying to each member the length of service rendered prior to the date of establishment, with which he is credited on the basis of his statement of service. Any beneficiary retired prior to the effective date of this chapter, and any other person receiving a retirement allowance on account of a beneficiary retired prior to said date shall be entitled on and after said date to have his pension increased to take account of any service rendered as an employee prior to the date of establishment but not certified on the prior service certificate. So long as membership continues, a prior service certificate shall be final and conclusive for retirement purposes as to such service, provided, however, that any member may, within one year from the date of issuance or modification of such certificate, request the board of control to modify or correct his prior service certificate. When membership ceases such prior service certificate shall become void. Should the employee again become a member, he shall enter the system as an employee not entitled to prior service credit. (5) Creditable service at retirement on which the retirement allowance of a member shall be based shall consist of the membership service rendered by him since he last became a member, and also if he has a prior service certificate which is in full force and effect, the amount of the service certified on his prior service certificate. (6) Any person who was a member of the retirement system on July 1, 1951,

and who prior to said date had been ineligible to receive credit for service rendered as an employee prior to October 1, 1945 shall be eligible under the provisions of Act 515, General Acts 1945, to receive credit for all service as an employee rendered by him prior to the date of establishment of the retirement system provided such person has never waived his claim on the funds of the retirement system by withdrawing his accumulated contributions to said fund. (7) Any member entitled to prior service credit as hereinbefore provided in this section who served as a teacher in the public schools or colleges of the state on a full time basis prior to October 1, 1945, may claim prior service credit for all such service not otherwise creditable to him under the retirement system, such service, anything herein to the contrary notwithstanding, to be considered service as an employee. Such claim shall be subject to such rules and regulations as the board of control shall adopt. (8) Any person who is or was a member of the Employees' Retirement System and who has lost creditable service due to having become an elected official of State Government or a department head as excepted in Section 1 of this act shall be entitled to such service as if he were a contributing member provided contributions which would have been made for such service are made within 90 days after passage of this act.

Section 3. That Section 5 of Act 515, H 93, approved July 9, 1945 (General Acts 1945 p. 734) as amended, be and the same is hereby amended to read as follows: S. 5. BENEFITS—(1) Service Retirement Benefit.—(a) Any member who withdraws from service upon or after attainment of age sixty may retire upon written application to the board of control setting forth at what time, not less than thirty days nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired. Provided further that a member employed as a State policeman shall be eligible to file application for service retirement upon attaining age fifty-six. (b) Any member who has attained age sixty may retire upon written application to the board of control setting forth at what time, not less than thirty days nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired, provided that said member at the time so specified for his retirement shall have twenty-five or more years of creditable service. (c) Any member in service who has attained age seventy shall be retired forthwith; provided, that any member who is an official appointed for a term of years may remain in service until the end of the term of office for which he was appointed; and provided further, that a person who attains the age of seventy or above may be continued in the State's service from year to year on application of the employee approved by the Personnel Board, if evidence of physical and mental fitness is furnished. Nothing in this chapter shall require the dismissal of any person seventy years old or over who fails to join the retirement system within

the time specified in this chapter, if such person was in the employe of the State on June 1, 1945. (d) Notwithstanding the provisions of this section to the contrary, any member employed as a State policeman who has attained age 60 shall be retired forthwith; provided, that any member employed as a State policeman who attains age 60 may be continued in the State service from year to year on application of said employee approved by the Personnel Board, if evidence of physical or mental fitness to carry out his duties is furnished. (2) Allowance for Service Retirement. Upon retirement from service a member shall receive a service retirement allowance which shall consist of: (a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement, except that in the case of a State Policeman, who has completed 20 years of creditable service as a State Policeman, who retires after age 56 but prior to age 60, the annuity shall be equal to the annuity that would have been payable upon service retirement at age 60 had the member continued in service to said age 60 without change in compensation; and (b) A pension which shall be equal to the annuity allowable at the age of retirement, but not to exceed an annuity allowable at age sixty-five, computed on the basis of contributions made prior to attainment of age sixty-five, except that in the case of a State policeman who has completed 20 years of creditable service as a State policeman, who retires after age 56, but prior to age 60, the pension shall be equal to the annuity that he would receive had he contributed to age 60 without change in compensation; and (c) If he has a prior service certificate in full force and effect, an additional pension shall be equal to the annuity which would have been provided at age of retirement, but not to exceed an annuity allowable at age sixty-five by twice the contributions which he would have made during the period of prior service with which he is credited, had the system been in operation and had he contributed thereunder, except that in case of a State policeman who has completed 20 years of creditable service as a State policeman, who retires after age 56 but prior to age 60, an additional pension, if he has a prior service certificate in full force and effect, which shall be equal to the annuity which would have been provided at age 60, but not to exceed an annuity allowable at age 60 by twice the contributions which he would have made during the period of prior service with which he is credited had the system been in operation and had he contributed thereunder. In lieu of a determination of the actual compensation of a member that was received during such prior service, the Board of Control may use for the purposes of this Act the compensation rate which, if it had progressed with the rates of salary increase shown in the tables as prescribed in Section 6, Subsection (14), of this Act, would have resulted in the same average salary of the member for the five years immediately preceding the date of establishment as the records show the member actually

received. (3) Disability Retirement Benefit. (a) Upon the application of a member in service or of his employer, any member who has had ten or more years of creditable service, who becomes disabled, may be retired on a disability retirement allowance by the Board of Control, not less than thirty nor more than ninety days next following the date of filing of such application, provided that the Medical Board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent, and that such member should be retired. (b) Provided further that without regard to the number of years of creditable service a member employed as a State Policeman, who as a result of his employment, in line of duty and not as a result of his own misconduct, shall become permanently and totally disabled to the extent that he cannot perform his duties or duties of a less strenuous nature, as an employee of the State of Alabama or as an employee of and employer participating under the provisions of Section 12 of this Act, shall be retired on a disability retirement allowance, not less than thirty nor more than ninety days next following the date of filing of such application, provided that the Medical Board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent, and that such member should be retired. (4) Allowance on Disability Retirement. Upon retirement for disability a member shall receive a service retirement allowance if he has attained age sixty, otherwise he shall receive a disability retirement allowance which shall consist of: (a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement, and (b) A pension which shall be equal to seventy-five per centum of the pension that would have been payable upon service retirement at age sixty had the member continued in service to said age without change in compensation. Anything in this Act to the contrary notwithstanding, a member employed as a State policeman upon retirement for disability shall receive a service retirement allowance if he has attained age fifty-six at date of retirement. (5) Re-examination of Beneficiaries Retired on Account of Disability. Once each year during the first five years following the retirement of a member on a disability retirement allowance, and once in every three year period thereafter, the Board of Control may, and upon his application shall, require any disability beneficiary who has not yet attained age sixty to undergo a medical examination, such examination to be made at the place of residence of such beneficiary, or other place mutually agreed upon, by a physician or physicians of or designated by the Medical Board. Should any disability beneficiary who has not yet attained age sixty refuse to submit to such medical examination, his allowance may be discontinued until his withdrawal of

such refusal, and should his refusal continue for one year all his rights in and to his pension may be revoked by the Board of Control; provided that these requirements relative to the medical examination shall not apply in the case of a State policeman retired for disability and who has attained age fifty-six. Should the Medical Board report and certify to the Board of control that a disability beneficiary is engaged in or is able to engage in a gainful occupation paying more than the difference between his retirement allowance and his average final compensation, and should the Board of Control concur in such report, then the amount of his pension shall be reduced to an amount which, together with his annuity and the amount earnable by him, shall equal the amount of his average final compensation. Should his earning capacity be later changed, the amount of his pension may be further modified; provided, that the new pension shall not exceed the amount of the pension originally granted, nor an amount which, when added to the amount earnable by the beneficiary, together with this annuity, exceeds the amount of his average final compensation. (6) Return of Contributions. (a) Should a member cease to be an employee except by death or by retirement under the provisions of this chapter, the contributions standing to the credit of his individual account in the annuity savings fund shall be paid to him upon demand, and in addition to such payment there shall be paid five-tenths of the interest accumulations standing to the credit of his individual account if he shall have not less than three but less than sixteen years of membership service, six-tenths of such interest accumulations if he shall have not less than sixteen but less than twenty-one years of membership service, seven-tenths of such interest accumulations if he shall have not less than twenty-one but less than twenty-six years of membership service, and eight-tenths of such interest accumulations if he shall have not less than twenty-six years of membership service. (b) Should a member die before retirement, the amount of his contributions with such interest as would have been returnable in the case of withdrawal as provided in paragraph (a) of this subsection shall be paid to his estate, or to such person as he shall have nominated by written designation duly executed and filed with the Board of Control. (7) Option Allowances. With the provision that no election of an option shall be effective in case a beneficiary dies within thirty days after retirement or within thirty days after filing such election, and that such a beneficiary shall be considered as an active member at the time of his death, until the first payment on account of any benefit becomes normally due, any member may elect to receive in lieu of his retirement allowance payable throughout life, the actuarial equivalent at that time, of his retirement allowance, in a reduced retirement allowance payable throughout life with the provision that: Option 1. If he dies before he has received in annuity payments the present value of his annuity as it was at the time of his retirement, the balance shall be paid to

his legal representatives or to such person as he shall nominate by written designation duly acknowledged and filed with the Board of Control; or Option 2. Upon his death, his reduced retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the Board of Control at the time of his retirement; or Option 3. Upon his death, one-half of his reduced allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the Board of Control at the time of his retirement; or Option 4. Some other benefit or benefits shall be paid either to the member or to such person or persons as he shall nominate, provided such other benefits, together with the reduced retirement allowance, shall be certified by the actuary to be of equivalent actuarial value to his retirement allowance and shall be approved by the Board of Control. (8) Return to Active Service. (a) Should any beneficiary be restored to active service from service retirement, or from disability retirement on or after attainment of age fifty, his retirement allowance shall be suspended until he again withdraws from service, he shall not again become a member of the retirement system, nor shall he make contributions. (b) Should any beneficiary on disability retirement be restored to active service before reaching age fifty, he shall again become a member of the retirement system and shall make contributions. (9) In the case of those who have retired prior to the effective date of this Act and who are receiving retirement benefits based upon the provisions of law enacted prior to the effective date of this Act, the Board of Control shall revise the benefits such persons are thereafter entitled to receive by re-calculating as of the date of their retirement the additional pensions that may be provided by the provisions of this Act.

Section 4. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 9, 1955.
Time: 11:51 A.M.

Act No. 479

H. 592—Perry, Meeks, Nice,
Lackey, Kaul, Vacca,
Edwards (Jefferson).

AN ACT

To fix the salaries of the Fourth, Fifth and Sixth Deputy Circuit Solicitors of the Tenth Judicial Circuit of Alabama payable by the State.

Be It Enacted by the Legislature of Alabama:

Section 1. The Fourth, Fifth and Sixth Deputy Circuit Solicitors of the Tenth Judicial Circuit of Alabama shall be paid

by the State of Alabama an annual salary of Four Thousand (\$4,000.00) Dollars, payable as the salaries of other state officers are paid.

Section 2. The Fourth, Fifth and Sixth Deputy Circuit Solicitors of the Tenth Judicial Circuit of Alabama shall not be entitled to any other compensation by the State except as expressly herein provided.

Section 3. This act shall go into effect October 1 upon its passage and approval by the Governor or its otherwise becoming a law.

Approved September 9, 1955.

Time: 11:52 A.M.

Act. No. 480

H. 454—Harrison.

AN ACT

To amend Section 19 of Title 42, Code of Alabama (1940), which relates to probation and suspension of execution of sentence.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 19 of Title 42, Code of Alabama (1940), is amended to read as follows:

“Circuit courts and courts of record from whose judgments appeal lies directly to the court of appeals or the supreme court, subject to the provisions and conditions hereinafter provided, may suspend execution of sentence and place on probation any person convicted of crime in any court exercising criminal jurisdiction. The court shall have no power to suspend the execution of sentence imposed upon any person who has been found guilty and whose punishment is fixed at death or imprisonment in the penitentiary for more than ten years. Except in the case hereinabove provided, circuit courts or inferior courts from which an appeal lies directly to the court of appeals or supreme court, after a plea of guilty, or after the returning of a verdict of guilty by the jury, or the rendition of a judgment of guilty by the court may suspend execution of sentence and place the defendant on probation, or may impose a fine within the limits fixed by law and also place the defendant on probation.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 11:53 A.M.

Act No. 481

H.J.R. 75—Ashworth.

HOUSE JOINT RESOLUTION

WHEREAS, a Committee was appointed under the Authority of House Joint Resolution No. 8 of the second special session of 1955, to investigate certain matters relative to the Relative Responsibility Law as it affects patients at the Alabama Insane Hospital, and WHEREAS in its report said Committee made known to this body that it needed some additional time to complete its investigation and to study this matter from time to time during the next two years.

THEREFORE BE IT RESOLVED BY THE House WITH THE Senate CONCURRING that said Committee heretofore authorized under House Joint Resolution No. 8 of the second special session of 1955 is hereby continued in existence with the authority to meet not more than sixty days and make a full and complete report to the Legislature at its regular session in 1957.

Approved September 9, 1955.
Time: 11:54 A.M.

Act No. 482

H.J.R. 72—Albea

HOUSE JOINT RESOLUTION

WHEREAS, the annual football game between the University of Alabama and Alabama Polytechnic Institute represents the epitome of wholesome athletic competition and good sportsmanship and evokes great interest and enthusiasm among the people of Alabama each year, and

Whereas, all available tickets have been sold far in advance of the football season, and

Whereas, the State of Alabama owns and operates the finest educational television network in the nation, and

Whereas, the people of Alabama who are unable to attend this game in person would greatly enjoy viewing the game over television, and the prestige of all participants would be thereby enhanced and the cause of athletics be furthered, now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING:

1. That the Legislature respectfully urges the officials of the University of Alabama, Alabama Polytechnic Institute and the Alabama Educational Television Commission to give the greatest possible consideration to the feasibility of televising the Alabama-Auburn football game on November 26, 1955.

2. That duly authenticated copies of this resolution be transmitted to the president of the University of Alabama, the

president of the Alabama Polytechnic Institute, and the president of the Alabama Educational Television Commission.

Approved September 9, 1955.

Time: 11:55 A.M.

Act No. 483

H.J.R. 82—Roberts, Reynolds.

HOUSE JOINT RESOLUTION

Whereas the oldest English speaking town in the State is now in its one hundred and fiftieth year;

Whereas, it was in this town that a constitution for the proposed State of Alabama was drafted and transmitted to the United States Congress to become the basis for that body's resolution declaring "the admission of the State of Alabama into the Union";

Whereas this town has always been progressive having had therein the first organized Presbyterian church in the State, the first public library in the State, the first State bank, the first cotton gin, the first textile mill, the first Masonic lodge, the first municipal water system and the first street car;

Whereas, four governors, eight United States Senators and enumerable able legislators from this town have worked faithfully for the prosperity and development of our great State and hence merit the gratitude of the whole State;

Whereas said town was richly endowed with a plentiful, pure and wholesome water supply, and an abundance of fertile land which have attracted agriculture and diversified industries to the community;

Whereas, excellent transportation facilities serve the town and furnish ready access to and from it via any means of transportation, among which are: the Southern Railroad System, the N.C. & S.L. Railway System, the Capital Airlines, the Eastern Airlines, common carrier barge service on the Tennessee River and the following highways: U. S. 431, U. S. 231, U. S. 7 and Alabama highways 1, 20, 38 and 97.

Whereas this town is the site of the hub of the Nation's rocket development program, Redstone Arsenal, which employs more than six thousand civilians and has an annual payroll of more than thirty-three million dollars (\$33,000,000); and

Whereas the State of Alabama is justly proud of this town, whose natural beauty, able citizens, industrial development and general progress have so often redounded to the benefit of the whole State that one is lead to think that it must assuredly be the city from which the first space ship will be launched for a journey to the moon.

Now, Therefore, Be It Resolved By the Legislature of Alabama, Both Houses thereof Concurring:

The Legislature of Alabama hereby extends felicitations to the City of Huntsville and each inhabitant thereof on this its sequicentennial year; and on behalf of the people of Alabama, hereby thanks the City of Huntsville and her citizens for their numerous contributions to the social, cultural, and economic welfare of the State.

Be It Further Resolved that the Clerk of the House of Representatives send a copy of this resolution to the Mayor of the City of Huntsville and to the Press.

Approved September 9, 1955.

Time: 11:56 A.M.

Act No. 484

H. 586—Oden, Brown (Lamar),
Branyon, Davis.

AN ACT

To appropriate out of any monies in the State Treasury not otherwise appropriated, the sum of \$885,000.00 for each of the fiscal years ending September 30, 1956 and September 30, 1957, to the Armory Commission of Alabama to be used for the erection, construction and equipping of armories for the Alabama National Guard and for the Air National Guard in the State and for the repair and equipping of existing armories for the Alabama National Guard and for the Air National Guard in the State.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated out of any monies in the State Treasury not otherwise appropriated, the sum of \$885,000.00 for each of the fiscal years ending September 30, 1956 and September 30, 1957, to the Armory Commission of Alabama, to be used for the erection, construction and equipping of armories for the Alabama National Guard and for the Air National Guard in the State and for the repair and equipping of existing armories for the Alabama National Guard and for the Air National Guard in the State. This appropriation is subject to the condition of the Treasury and the approval of the Governor.

Section 2. The erection and construction of the new armories shall be under the supervision of the Director of Technical Staff of the Building Commission of the State of Alabama.

Section 3. This Act shall become effective on October 1, 1955.

Approved September 9, 1955.

Time: 11:57 A.M.

Act No. 485

H. 726—Nice, Meeks, deGraffen-
reid, Callahan, Vacca,
Roberts.

AN ACT

Authorizing, directing and requiring every city and county board of education, the state board of education, and the governing boards of the University of Alabama, the Alabama Polytechnic Institute and Alabama College to employ, upon application, certain retired teachers; providing for the duties and compensation of such teachers; providing for participation in the federal old age and survivors insurance program by such teachers; and making an appropriation out of the special educational trust fund for the purpose of reimbursing the appointing boards for the cost of employing such teachers.

Be It Enacted by the Legislature of Alabama:

Section 1. Every city and county board of education in this State, the state board of education, and the governing boards of the University of Alabama, the Alabama Polytechnic Institute and Alabama College are hereby authorized, directed and required to employ, upon application, any teacher who has attained age sixty-five on or before October 1, 1955, who has retired under the teachers' retirement system of Alabama, and who is receiving retirement benefits of not more than one hundred dollars (\$100.00) per month. Application shall be made under such rules and regulations as may be promulgated and adopted by the state board of education.

Section 2. Such teachers as are employed under the provisions of this Act shall be employed by the appointing board on a twelve months basis, and shall perform such regular duties and services as may be required by the appointing board, including service as consultants, graders, tutors, advisers, or substitute teachers. Such teachers shall receive a salary of sixteen dollars and sixty-seven cents (\$16.67) per month, payable out of any funds appropriated for the use of the appointing board. But nothing contained herein shall be construed as prohibiting teachers employed under the provisions of this Act from receiving any retirement benefits to which such teachers are now entitled by law.

Section 3. All provisions of law with respect to participation and coverage in the federal old age and survivors insurance program by other teachers covered under the teachers' retirement system of Alabama shall be applicable to the teachers employed under the provisions of this Act, including deductions from the salaries of such teachers for participation in such program, but no other deductions for any purpose whatsoever shall be made from the salaries of such teachers, any provision of law to the contrary notwithstanding.

Section 4. There is hereby appropriated out of the special educational trust fund to the state department of education for

the biennium ending September 30, 1957, the sum of three hundred thirty-five thousand three hundred and sixty-seven dollars (\$335,367.00), to be used solely and exclusively by the state department of education to reimburse the various appointing boards for the actual cost of the salaries of such teachers as may be employed under the provisions of this Act. Reimbursement shall be made on a monthly basis, and shall be made in accordance with rules and regulations promulgated and adopted by the State board of education. The state board of education may require the appointing boards to submit such statements or reports as it deems necessary to carry out the provisions of this Act. Any unexpended balance of the appropriation herein made which has not been expended during the bienneum ending September 30, 1957, shall revert to the special educational trust fund on that date.

Section 5. This Act shall become effective October 1, 1955.

Approved September 9, 1955.

Time: 11:58 A.M.

Act No. 486

H.J.R. 99—Pruitt

HOUSE JOINT RESOLUTION

BE IT RESOLVED by the House of Representatives, the Senate concurring that H. B. 85 passed by the Senate on the 2nd day of September 1955, be and the same is hereby known as the Harrison-Fite-Skidmore Bill.

Approved September 9, 1955.

Time: 11:59 A.M.

Act No. 487

S.J.R. 79—Newton

SENATE JOINT RESOLUTION

Be it Resolved by the Senate, the House of Representatives Concurring: That Senate Bill 21, which has passed both houses, be known as the "Newton, Shumate, and Selman Bill."

Approved September 9, 1955.

Time: 12:10 P.M.

Act No. 488

S. 132—Leonard, Flowers, Robison,
Boutwell, Coleman, Metcalf,
Allen, Smith and Roberts.

AN ACT

To create a lien in behalf of hospitals upon any cause of action accruing to any injured person to whom such hospital furnished care and treatment; to provide the means of perfecting said lien; to provide for the

time in which such lien must be filed and suit brought thereon; to provide that no release or settlement of any such causes of action shall be effective as against such lien unless such hospital or its assignee shall join therein or execute a release therefor; to provide for the filing of such lien; to provide that acceptance of release or satisfaction of any cause of action, suit, claim, counter claim, demand or judgment and any settlement in absence of release or satisfaction of lien shall prima facie constitute impairment of such lien, and to give lien holder right of action at law for damages on account of such impairment, to provide for recovery from one accepting release or satisfaction or making settlement; to except monies due under the Workmen's Compensation Act from the provisions herein and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person, firm, hospital authority, or corporation operating a hospital in this State shall have a lien for all reasonable charges for hospital care, treatment and maintenance of an injured person who entered such hospital within one week after receiving such injuries, upon any and all causes of action, suits, claims, counter-claims, and demands accruing to the person to whom such care, treatment, or maintenance was furnished, or accruing to the legal representatives of such person, and upon all judgments, settlements and settlement agreements entered into by virtue thereof on account of injuries giving rise to such causes of action, suits, claims, counterclaims, demands, judgments, settlements, or settlement agreements and which necessitated such hospital care, subject, however, to any attorney's lien.

Section 2. In order to perfect such lien the operator of such hospital, before, or within 10 days after such person shall have been discharged therefrom shall file in the office of the Judge of Probate of the county or counties in which such cause of action arose a verified statement setting forth the name and address of such patient, as it shall appear on the records of such hospital, the name and location of such hospital and the name and address of the operator thereof, the dates of admission and discharge of such patient therefrom, the amount claimed to be due for such hospital care, and to the best of claimant's knowledge, the names and addresses of all persons, firms or corporations claimed by such injured person, or the legal representative of such person, to be liable for damages arising from such injuries; such claimant shall also within one day after the filing of such claim or lien, mail a copy thereof by registered mail, postage prepaid, for each person, firm or corporation so claimed to be liable on account of such injuries, at the addresses so given in such statement, and to the patient, his guardian, or his personal representative at the address given at the time of admission. The filing of such claim or lien shall be notice thereof to all persons, firms, or corporations liable for such damages whether or not they are named in such claim or lien.

Section 3. The Judge of Probate shall endorse thereon the date and hour of filing, and at the expense of the county shall

provide a hospital lien book with proper index in which he shall enter the date and hour of such filing, the names and addresses of such hospital, the operators thereof and of such patient, the amount claimed and the names and addresses of those claimed to be liable for damage. Such information shall be recorded in the name of the patient. The Judge of Probate shall be paid one dollar as his fee for such filing.

Section 4. During the period of time allowed by Section 2 of this Act for perfecting the lien provided for by this Act and also after the lien provided for by this Act has been perfected as herein provided, by any lienholder entitled thereto; no release or satisfaction of any action, suit, claim, counterclaim, demand, judgment, settlement or settlement agreement, or of any of them, shall be valid or effectual as against such lien unless such lienholder shall join therein or execute a release of such lien.

Any acceptance of a release or satisfaction of any such cause of action, suit, claim, counterclaim, demand or judgment and any settlement of any of the foregoing in the absence of a release or satisfaction of the lien referred to in this Act shall prima facie constitute an impairment of such lien, and the lienholder shall be entitled to an action at law for damages on account of such impairment, and in such action may recover from the one accepting such release or satisfaction or making such settlement the reasonable cost of such hospital care, treatment and maintenance. Satisfaction of any judgment rendered in favor of the lienholder in any such action shall operate as a satisfaction of the lien. Any action by the lienholder shall be brought in any court having jurisdiction thereof and may be brought and maintained in the county wherein the lienholder has his, its or their residence or place of business. If the lienholder shall prevail in such action, the lienholder shall be entitled to recover from the defendant, costs and reasonable attorney's fees. Such action shall be commenced against the person liable for such damages within one year after the date such liability shall be finally determined by a settlement release covenant not to sue or by the judgment of a court of competent jurisdiction.

Section 5. The provisions of this act shall not apply to any monies becoming due under the Workmen's Compensation Act.

Section 6. In any case where the action, suit, claim, counterclaim or demand accruing to the person to whom hospital care has been furnished has been reduced to judgment in a court having jurisdiction thereof, said court shall have full jurisdiction to determine the amount due on the lien on proper written petition by any party interested therein and shall have full power to adjudicate all matters in connection with said hospital lien and to provide by order of the court for the manner in which the proceeds of said judgment shall be distributed. A copy of said petition shall be served upon all other parties having

any right to any part of the proceeds of said judgment and answer and proceedings thereon filed and conducted as provided by law in equity cases. Any party to the proceedings on said petition shall have the right to appeal to the Supreme Court or Court of Appeals as in civil cases.

Section 7. This bill shall not be construed as giving any hospital or agency herein referred to an independent right of action to determine liability for injuries sustained by a person or firm.

Section 8. The provisions of this act are severable and should any section or paragraph hereof be declared unconstitutional or invalid by any court of competent jurisdiction, such declaration shall not affect the other paragraphs or sections remaining.

Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. The provisions of this act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 4:31 P.M.

Act No. 489

S. 200—Shelton

AN ACT

To amend Sections 364 and 366 of Title 52 of the Code of Alabama of 1940, as amended, which relates to the Teachers' Retirement System.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 364 of Title 52 of the Code of Alabama of 1940, as amended, be and is hereby amended to read as follows:

S. 364. MEMBERSHIP.—The membership of the retirement system shall consist of the following: All persons who shall become teachers after the date of establishment shall become members of the retirement system as a condition of their employment. Any person who is a teacher on the date of establishment shall become a member as of that date unless within a period of ninety days next following such teacher shall file with the Board of Control on a form prescribed by the board a notice of his election not to be covered in the membership of the system and a duly executed waiver of all present and prospective benefits which would otherwise inure to him on account of his participation in the retirement system. The Board of Control may, in its discretion, deny the right to become members to any class of teachers whose compensation is only partly paid by the state or who are serving on a temporary or other

than per annum basis, and it also may, in its discretion, make optional with members in any such class their individual entrance into the retirement system. Should any member in any period of six consecutive years after becoming a member be absent from service more than five years, or withdraw his contributions, as provided in subsection (3) of Section 366 of this title, or retire or die, he shall thereupon cease to be a member; provided that the Board of Control may continue the membership of a member entering directly into the armed forces of the United States if he does not withdraw his contributions as provided in subsection (3) of Section 366 of this title. Anything in this chapter to the contrary notwithstanding, if any member enters directly into the armed forces of the United States and does not withdraw his contributions, as provided in subsection (3) of Section 366 of this title, and if he returns to service as a teacher within one year and six months after having been honorably discharged from the armed forces, membership service credit may be granted by the Board of Control for the period of such service in the armed forces provided that upon his subsequent return to service as a teacher he elects to make up his contributions for the period of his service in the armed forces by authorizing in writing special contributions to be deducted from his salary in such amounts as will make up such contributions before the end of a period equal to the length of his service in the armed forces, or before the attainment of age sixty, whichever occurs first, on the basis of his rate of earnable compensation at the time his service in the armed forces commenced. Any teacher who entered directly into the armed forces of the United States after August 27th, 1940, but prior to September 1st, 1942, without having become a member and who returns to service as a teacher within one year and six months after having been honorably discharged from the armed forces and who elects to become a member within ninety days thereafter may be deemed by the Board of Control to be a member at establishment and be entitled to credit for prior service including service in the armed forces up to the date of establishment of the retirement system, and to credit for membership service for the period of his service in the armed forces after the date of establishment of the retirement system under the same conditions as credit for membership service is allowed members entering into the armed forces after the date of establishment. No benefit under the retirement system other than the return of contributions as provided in subsection (3) of Section 366 of this title shall become payable to or on account of any member while he is not in service as a teacher, if the creditable service of such member is less than twenty-five years, or unless the member withdraws from service after reaching age sixty. Anything in this chapter to the contrary notwithstanding, any member having twenty-five or more years of creditable service shall be eligible to continue in the membership of the system until he files appli-

cation for service retirement in accordance with the provisions of Section 366 of this title.

Section 2. That Section 366 of Title 52 of the Code of Alabama of 1940, as amended, be and is hereby amended to read as follows: S. 366.—BENEFITS—(1) (a) Any member who withdraws from service upon or after attainment of age sixty, may retire upon written application to the board of control setting forth at what time, not less than 30 days nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired. (b) Any member who has attained age sixty may retire upon written application to the Board of Control setting forth at what time, not less than thirty days nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired, provided, that the said member at the time so specified for his retirement shall have twenty-five or more years of creditable service. (c) Any member in service who has attained age seventy shall be retired forthwith, provided, that with the approval of his employer, he may remain in service until the end of the school year following the date on which he attains age seventy. Provided further, that any member in service who has attained age seventy, and who has not become fully insured under the old age and survivors insurance provisions of the Federal Social Security Act, may, with the approval of his employer, remain in service until the end of the school year following the date on which he becomes fully insured under the old age and survivors insurance provisions of the Federal Social Security Act. (2) Upon retirement from service a member shall receive a service retirement allowance which shall consist of: (a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and (b) a pension which shall be equal to the annuity allowable at age of retirement, but not to exceed an annuity allowable at age sixty-five computed on the basis of contributions made prior to the attainment of age sixty-five; and (c) if he has a prior service certificate in full force and effect an additional pension which shall be equal to the annuity which would have been provided at age of retirement, but not to exceed an annuity allowable at age sixty-five by twice the contributions which he would have made during the period of prior service with which he is credited, had the system been in operation and had he contributed thereunder. In lieu of a determination of the actual compensation of the members that was received during such prior service, the board of control may use for the purposes of this chapter the compensation rates which, if they had progressed with the rates of salary increase shown in the tables as prescribed in section 367, subsection (13), of this title, would have resulted in the same average salary of the member for the five years immediately preceding the date of establishment as the records show the member actually received. (2¼) Upon the application of a

member in service or of his employer, any member who has had ten or more years of creditable service may be retired by the Board of Control, on a disability retirement allowance not less than thirty nor more than ninety days next following the date of filing such an application; provided that the medical board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent, and that such member should be retired. (2 $\frac{1}{2}$) Upon retirement for disability a member shall receive a service retirement allowance if he has attained age sixty, otherwise he shall receive a disability retirement allowance which shall consist of: (a) an annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and (b) a pension which shall be equal to seventy-five per centum of the pension that would have been payable upon service retirement at age sixty had the member continued in service to said age without change in compensation. (2 $\frac{3}{4}$) (a) Once each year during the first five years following the retirement of a member on a disability retirement allowance, and once in every three-year period thereafter, the Board of Control may, and upon his application shall require any disability beneficiary who has not yet attained age sixty to undergo a medical examination, such examination to be made at the place of residence of such beneficiary, or other place mutually agreed upon, by a physician of or designated by the medical board. Should any disability beneficiary who has not yet attained age sixty refuse to submit to such medical examination, his pension may be discontinued until his withdrawal of such refusal, and should his refusal continue for one year, all his rights in and to his pension may be revoked by the Board of Control. (b) Should the medical board report and certify to the Board of Control that a disability beneficiary is engaged in or is able to engage in a gainful occupation paying more than the difference between his retirement allowance and his average final compensation, and should the Board of Control concur in such report, then the amount of his pension shall be reduced to an amount which, together with his annuity and the amount earnable by him, shall equal the amount of his average final compensation. Should his earning capacity be later changed, the amount of his pension may be further modified; provided that the new pension shall not exceed the amount of the pension originally granted, nor an amount which, when added to the amount earnable by the beneficiary together with his annuity, equals the amount of his average final compensation. (3) (a) Should a member cease to be a teacher except by death or by retirement under the provisions of this chapter, the contributions standing to the credit of his individual account in the annuity savings fund shall be paid to him upon demand, and in addition to such payment there shall be paid five-tenths of the interest accumulations standing to the credit of his individual account

if he shall have not less than three but less than sixteen years of membership service, six-tenths of such interest accumulations if he shall have not less than sixteen but less than twenty-one years of membership service, seven-tenths of such interest accumulations if he shall have not less than twenty-one but less than twenty-six years of membership service and eight-tenths of such interest accumulations if he shall have not less than twenty-six years of membership service. (b) Should a member die before retirement, the amount of his contributions with such interest as would have been returnable in the case of withdrawal as provided in paragraph (a) of this subsection shall be paid to his estate, or to such person as he shall have nominated by written designation duly executed and filed with the Board of Control. (4) With the provision that no election of an option shall be effective in case a beneficiary dies within thirty days after retirement or within thirty days after filing such election, and that such a beneficiary shall be considered as an active member at the time of death, until the first payment on account of any benefit becomes normally due any member may elect to receive, in lieu of his retirement allowance payable throughout life, the actuarial equivalent at that time of his retirement allowance in a reduced retirement allowance payable throughout life with the provision that: Option 1. If he dies before he has received in annuity payments the present value of his annuity as it was at the time of his retirement, the balance shall be paid to his legal representatives or to such person as he shall nominate by written designation duly acknowledged and filed with the Board of Control; or Option 2. Upon his death, his reduced retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the Board of Control at the time of his retirement; or Option 3. Upon his death, one-half of his reduced retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the Board of Control at the time of his retirement; or Option 4. Some other benefit or benefits shall be paid either to the member or to such person or persons as he shall nominate, provided such other benefit or benefits, together with the reduced retirement allowance, shall be certified by the actuary to be of equivalent actuarial value to his retirement allowance and shall be approved by the Board of Control. (5) (a) Should any beneficiary be restored to active service from service retirement, or from disability retirement on or after attainment of age fifty, his retirement allowance shall be suspended until he again withdraws from service, he shall not again become a member, nor shall he make contributions. (b) Should any beneficiary on disability retirement be restored to active service before reaching age fifty, he shall again become a member of the retirement system and shall make contributions. (6) In the case of those who have retired prior to the effective date

of this act and who are receiving retirement benefits based upon the provisions of law enacted prior to the effective date of this act, the Board of Control shall revise the benefits such persons are thereafter entitled to receive by re-calculating as of the date of their retirement the additional pensions that may be provided by the provisions of this section.

Section 3. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 12:15 P.M.

Act No. 490

S. 219—Cooper, Engelhardt.

AN ACT

To amend further Section 440 of Title 37 of the Code of 1940 relating to municipal operations.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 440 of Title 37, Code of 1940 be and the same is hereby further amended to read as follows: "Section 440. (1894) (1178) Salary limited; location of office prescribed. The mayor shall have the powers and perform the duties as follows: He shall keep an office in the city or town and shall receive such salary as the council may prescribe, which must be fixed by the council not less than twelve months prior to each general municipal election, not exceeding the following amounts: (1) In cities having twenty-five thousand population or more, not exceeding eight thousand five hundred dollars, and not less than six thousand dollars; (2) in cities having ten thousand and up to twenty-five thousand population, not exceeding seven thousand dollars and not less than five thousand dollars a year; (3) in cities having five thousand and up to ten thousand population, not exceeding five thousand dollars, and not less than two thousand five hundred dollars a year; (4) in cities having less than five thousand population, not exceeding three thousand dollars, and not less than one thousand five hundred dollars a year; (5) in towns not exceeding one thousand five hundred dollars and not less than six hundred dollars a year. Provided, further, that in municipalities which own and operate light and power systems, municipal water systems, municipal sewage systems and municipal gas systems, one or any of them, may, by resolution of the governing body duly entered in its minutes require the mayor to act as superintendent of such system or systems and to give so much of his time thereof as the governing body may direct. Provided, further, that in any municipality in which a municipal board or municipal public corporation owns and operates a municipal

light and power system, municipal water system, municipal sewage system and municipal gas system, one or any of them, such board or municipal public corporation may by resolution duly entered in its minutes employ the mayor to act as superintendent of such system or systems and to give so much of his time thereto as such board or corporation may direct. The mayor as such superintendent of such system or systems shall serve as purchasing agent and make all purchases authorized by the governing body, board or municipal public corporation therefor, for which he shall keep a check on meter readings and bids for service of the system and see that the collections thereof are made. He shall see that the system or systems are kept in proper repair and operation, he shall keep an inventory showing the supplies and equipment on hand for such system or systems, he shall keep a full and complete monthly financial statement of all operation costs and receipts and keep a proper inventory of the fiscal assets of such system or systems and shall handle all such data and information relative to such system or systems available for the governing body, board or municipal public corporation at such times as it shall require but not less frequently than once every three months. For his service as superintendent of such system or systems the mayor shall be paid in addition to the salary now or hereafter provided hereunder such sum as the governing body, board or municipal public corporation shall deem reasonable, but not to exceed two hundred dollars per month. The governing body, board or municipal corporation may at any time it deems best dispense with the mayor's service as superintendent. The provisions hereof shall be curative and retroactive and any employment of any mayor as superintendent of any such utility or utilities, heretofore made by any such governing body, board or municipal public corporation and any salary heretofore paid to any mayor by any such governing body, board or municipal public corporation for his services as superintendent of such system or systems is hereby validated.

Approved September 9, 1955.

Time: 12:20 P.M.

Act No. 491

S. 226—Cooper, Engelhardt.

AN ACT

To authorize municipalities in this state to acquire properties suitable for use as post offices, to lease such properties to the United States Government subject to certain requirements, to finance the acquisition of such properties by the issuance of negotiable revenue bonds payable solely out of the rental of such properties and to secure the bonds by pledges of such rentals and by mortgages on such properties, and to make or accept contributions toward the cost of such properties; to authorize the refunding of bonds issued hereunder; to provide remedies in the event of default respecting bonds issued hereunder, to exempt from taxation the

properties acquired under authority of this act and the rentals thereof, the bonds and income therefrom, mortgages executed as security therefor and lease agreements hereunder; to provide that bonds and agreements made in connection therewith shall not constitute an indebtedness of the municipality or a pecuniary liability of any kind; to provide that such bonds shall be legal investments for savings banks and insurance companies organized under Alabama laws; to prescribe the purposes for which the proceeds from the sale of such bonds may be used; and to provide that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or the securing thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Wherever used in this act, unless a different meaning clearly appears in the context, the following terms, whether used in the singular or plural, shall be given the following respective interpretations: "Municipality" means any incorporated city or town in the State of Alabama; "Project" means any land and any building or other improvements thereon, and all real and personal properties deemed necessary in connection therewith, whether or not now in existence, which shall be suitable for use by the United States Government for a post office in the municipality; "Governing body" means the board or body in which the legislative powers of the municipality are vested; "Mortgage" means a mortgage or a mortgage and deed of trust.

Section 2. In addition to any other powers which it may now have, any municipality in this state may hereafter acquire, whether by purchase, construction, or gift, a project, as defined in Section 1 hereof, located within the corporate limits; may lease such project to the United States Government for such rental and upon such terms and conditions as the governing body may deem advisable and as shall not conflict with the provisions of this Act; and may issue revenue bonds for the purpose of defraying the cost of acquiring, constructing, enlarging and maintaining such project.

Section 3. All bonds issued by a municipality under authority of this act shall be limited obligations of the municipality the principal of and interest on which shall be payable solely out of the revenues derived from the leasing of the project to finance which the bonds are issued. Bonds and interest coupons issued under authority of this act shall never constitute an indebtedness of the municipality within the meaning of any state constitutional provisions or statutory limitation, and shall never constitute nor give rise to a pecuniary liability of the municipality or a charge against its general credit or taxing powers, and such fact shall be plainly stated in the face of each such bond. Such bonds may be executed and delivered at any time and from time to time, may be in such form and denominations, may be of such tenor, may be in registered or

bearer form either as to principal or interest or both, may be payable in such installments and at such time or times not exceeding thirty years from their date, may be payable at such place or places, may bear interest at such rate or rates payable at such place or places and evidenced in such manner, and may contain such provisions not inconsistent herewith, all as shall be provided in the proceedings of the governing body whereunder the bonds shall be authorized to be issued. The bonds issued hereunder shall be subject to the general provisions of law, presently existing or that may hereafter be enacted, respecting the execution and delivery of the bonds of a municipality and respecting the retaining of options of redemption in proceedings authorizing the issuance of municipal securities. Any bonds issued under the authority of this act may be sold at public or private sale in such manner and from time to time as may be determined by the governing body to be most advantageous, and the municipality may pay all expenses, premiums and commissions which the governing body may deem necessary or advantageous in connection with the authorization, sale and issuance thereof. All bonds issued under the authority of this act and all interest coupons applicable thereto shall be construed to be negotiable instruments, despite the fact that they are payable solely from a specified source.

Section 4. The principal of and interest on any bonds issued under the authority of this act shall be secured by a pledge of the revenues out of which such bonds shall be made payable, may be secured by a mortgage covering all or any part of the project from which the revenues so pledged may be derived, and may be secured by a pledge of the lease of such project. The proceedings under which such bonds are authorized to be issued or any such mortgage may contain any agreements and provisions customarily contained in instruments securing bonds, including, without limiting the generality of the foregoing, provisions respecting the fixing and collection of rents for any project covered by such proceedings or mortgage, the terms to be incorporated in the lease of such project, the maintenance and issuance of such project, the creation and maintenance of special funds from the revenues from such project, and the rights and remedies available in event of default to the bondholders or to the trustee under a mortgage, all as the governing body shall deem advisable and as shall not be in conflict with the provisions of this act; provided, however, that in making any such agreements or provisions a municipality shall not have the power to obligate itself except with respect to the project and the application of the revenues therefrom, and shall not have the power to incur a pecuniary liability or a charge upon its general credit or against its taxing powers. The proceedings authorizing any bonds hereunder and any mortgage securing such bonds may provide that, in the event of default in payment of the principal of or the interest on

such bonds or in the performance of any agreement contained in such proceedings or mortgage, such payment and performance may be enforced by mandamus or by the appointment of a receiver in equity with power to charge and collect rents and to apply the revenues from the project in accordance with such proceedings or the provisions of such mortgage. Any such mortgage may provide also that, in the event of default in such payment or the violation of any agreement contained in the mortgage, the mortgage may be foreclosed either by sale at public outcry or by proceedings in equity, and may provide that any trustee under such mortgage or the holder of any of the bonds secured thereby may become the purchaser at any foreclosure sale if the highest bidder therefor. No breach of any such agreement shall impose any pecuniary liability upon a municipality or any charge upon its general credit or against its taxing powers.

Section 5. Prior to the leasing of any project, the governing body must determine and find the following: the amount necessary in each year to pay the principal of and the interest on the bonds proposed to be issued to finance such project; the amount necessary to be paid each year into any reserve funds which the governing body may deem it advisable to establish in connection with the retirement of the proposed bonds and the maintenance of the project; and, unless the terms under which the project is to be leased provide that the lessee shall maintain the project and carry all proper insurance with respect thereto, the estimated cost of maintaining the project in good repair and keeping it properly insured. The determinations and findings of the governing body required to be made in the preceding sentence shall be set forth in the proceedings under which the proposed bonds are to be issued; and prior to the issuance of such bonds, the municipality shall lease the project to a lessee under an agreement conditioned upon completion of the project and providing for payment to the municipality of such rentals as, upon the basis of such determinations and findings, will be sufficient (a) to pay the principal of and interest on the bonds issued to finance the project, (b) to build up and maintain any reserves deemed by the governing body to be advisable in connection therewith, and (c) unless the agreement of lease obligates the lessee to pay for the maintenance and insurance of the project, to pay the costs of maintaining the project in good repair and keeping it properly insured.

Section 6. Any bonds issued hereunder and at any time outstanding may at any time and from time to time be refunded by a municipality by the issuance of its refunding bonds in such amount as the governing body may deem necessary but not exceeding an amount sufficient to refund the principal of the bonds so to be refunded, together with any unpaid interest thereon and any premiums and commissions necessary to be paid

in connection therewith. Any such refunding may be effected whether the bonds to be refunded shall have then matured or shall thereafter mature, either by sale of the refunding bonds and the application of the proceeds thereof for the payment of the bonds to be refunded thereby, or by exchange of the refunding bonds for the bonds to be refunded thereby; provided, that the holders of any bonds so to be refunded shall not be compelled without their consent to surrender their bonds for payment or exchange prior to the date on which they are payable or, if they are called for redemption, prior to the date on which they are by their terms subject to redemption. Any refunding bonds issued under the authority of this act shall be payable solely from the revenues out of which the bonds to be refunded thereby were payable, and shall be subject to the provisions contained in Section 3 of this act and may be secured in accordance with the provisions of Section 4 of this act.

Section 7. The proceeds from the sale of any bonds issued under authority of this act shall be applied only for the purpose for which the bonds were issued; provided, however, that any accrued interest and premium received in any such sale shall be applied to the payment of the principal of or the interest on the bonds sold; and provided, further, that if for any reason any portion of such proceeds shall not be needed for the purpose for which the bonds were issued, then such unneeded portion of said proceeds shall be applied to the payment of the principal of or the interest on said bonds. The cost of acquiring any project shall be deemed to include the following: the actual cost of the construction of any part of a project which may be constructed, including architect's and engineer's fees; the purchase price of any part of a project that may be acquired by purchase; all expenses in connection with the authorization, sale and issuance of the bonds to finance such acquisition; and the interest on such bonds for a reasonable time prior to construction, during construction, and for not exceeding six months after completion of construction.

Section 8. A municipality may pay out of its general funds or otherwise contribute any part of the cost of acquiring a project, and may use land already owned by the municipality, or in which the municipality has an equity, for construction thereon of a project; and the municipality may accept donations of property to be used as a part of any project and money to be used for defraying any part of the cost of any project.

Section 9. Bonds issued under the provisions of this act shall be legal investment for savings banks and insurance companies organized under the laws of this state.

Section 10. The bonds authorized by this act and the income therefrom, all mortgages executed as security therefor, all lease

agreements made pursuant to the provisions hereof, and all projects and the revenue derived from any lease thereof shall be exempt from all taxation in the State of Alabama.

Section 11. Neither this act nor anything herein contained shall be construed as a restriction or limitation upon any powers which a municipality might otherwise have under any laws of this state, but shall be construed as cumulative; and this act shall not be construed as requiring an election by the voters of a municipality prior to the issuance of bonds hereunder by such municipality.

Section 12. No notice to or consent or approval by any governmental body or public officer shall be required as a prerequisite to the sale or issuance of any bonds or the making of a mortgage under the authority of this act.

Section 13. If any section, clause, provision or portion of this act shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause or provision of this act which is not in and of itself unconstitutional.

Section 14. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 12:25 P.M.

Act No. 492

S. 241—Cooper

AN ACT

To confer on each city in this state having a population of 6,000 or more inhabitants according to the last preceding or any subsequent federal census, or any official census taken pursuant to Article 3 of Chapter 13 of Title 37 of the Code of Alabama of 1940, the same powers for the construction of, and the issuance of securities to finance, street and sidewalk improvements and sewer improvements outside of the corporate limits of such city and within its police jurisdiction as it may have under any law now existing or hereafter enacted respecting the construction of, and the issuance of securities to finance, any such improvements within the corporate limits of such city; to confer on each such city the same powers to assess the cost of any such improvements, whether constructed within the city or outside the city and within its police jurisdiction, against the properties specially benefited by such improvements whether such properties are located in such city or outside such city and within its police jurisdiction, that it may have under any law now existing or hereafter enacted respecting the assessment against properties located in such city of the cost of such improvements constructed in such city; to confer on each such city the power to finance any such improvements, constructed outside the city and within its police jurisdiction, by the sale and issuance of bonds payable solely out of the proceeds from assessments against the properties specially

benefited by such improvements; and to repeal Act No. 884 adopted at the 1953 Regular Session of the Legislature of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The following terms wherever used in this act shall have the following respective meanings; "Street improvements" means filling, grading, leveling, graveling, slagging, cherting, macadamizing, paving, draining, or otherwise improving any street, avenue, alley, highway, or other public place, including the construction of sidewalks, curbs and gutters. "Sewer improvements" includes storm water sewers and storm water sewer systems, and sanitary sewers, sanitary sewer systems, sewage treatment plants and sewage disposal plants, and all appurtenances to any such sewers or plants. "Public improvements" means street improvements and sewer improvements, or either of them. "Police jurisdiction" means the territory lying outside the corporate limits of a city but within its police jurisdiction.

Section 2. Construction of Public Improvements and Assessments in City and in Police Jurisdiction. Each city in this state having a population of 6,000 or more inhabitants, according to the last preceding or any subsequent federal census, or any official census taken pursuant to Article 3 of Chapter 10 of Title 37 of the Code of Alabama of 19-10, shall have the same powers with respect to the construction of public improvements in the police jurisdiction of such city that it may have under any law now existing or hereafter enacted with respect to the construction of public improvements within the corporate limits of such city. Each such city shall have the same powers with respect to the assessment of the cost of public improvements, whether constructed in the city or in such police jurisdiction, against the property specially benefited by such improvements, whether such property is located in such city or in such police jurisdiction, that such city may have under any law now existing or hereafter enacted with respect to assessment of the cost of public improvements constructed within the city against property specially benefited by such improvements and located within the corporate limits of the city. All such laws relating to the making of public improvements within the corporate limits of such city and to the making of public improvement assessments against property located within such corporate limits, and the creation and enforcement of liens securing such assessments, shall apply to any public improvements constructed within the police jurisdiction of such city, to any public improvement assessments made pursuant to the provisions of this act, and to the liens securing such assessments. But no public improvement shall be made under the authority of this Act unless with the written consent of the owner or owners of not less than sixty percent of the frontage

of the property to be affected ; provided, that in the case of street improvements outside the corporate limits but inside the police jurisdiction of a municipality, consent of the governing body of the county in which said improvements are to be constructed must first be obtained and evidenced by resolution duly entered on the minutes of such county governing body.

Section 3. Issuance of General Obligation Securities. Each such city shall have the same power to issue its general obligation bonds and other general obligation securities, to pay the cost of public improvements constructed in the police jurisdiction of such city, that it may have under any law now existing or hereafter enacted to issue general obligation bonds or other general obligation securities for payment of the cost of public improvements within the city. All such laws relating to the issuance by any such city of general obligation bonds or other general obligation securities to pay the cost of public improvements, where all or any part of such cost is assessed or to be assessed against property located within the corporate limits of the city, shall apply to and govern the issuance and sale of general obligation bonds and other general obligation securities, and the making of any pledges for payment thereof, to obtain money to pay the cost of construction of any public improvements constructed in the police jurisdiction of such city where such cost is assessed or to be assessed as provided in this act.

Section 4. Issuance of Bonds Payable Solely out of the Proceeds from Assessments. Each such city shall also have the power to finance the construction of public improvements in the police jurisdiction of such city by the issuance of its bonds payable solely out of the proceeds from assessments then made or to be thereafter made against the properties specially benefited by such improvements. Any such bonds shall not be general obligations of such city, and such city shall not be in any way liable to the holders of such bonds in the event of the failure to collect any of the assessments out of the proceeds from which such securities may be payable. Any such bonds shall pledge, convey and transfer to the holders thereof all of the issuing city's right, title, and interest in and to such assessments and the city's liens securing such assessments, together with the right to enforce the collection of such assessments by foreclosure of such liens in any court of competent jurisdiction. If the holder of any bond issued pursuant to the provisions of this section shall institute a foreclosure suit in any court against any property subject to a lien securing any such assessment, such holder shall be entitled to have the proceeds of said suit applied pro rata to the payment of the bond or bonds of such holder and all other bonds issued under this section and payable from the proceeds of

the same assessments, to the end that not more than one foreclosure suit shall be brought against any one lot or parcel of land. The costs of any such foreclosure suit, including a reasonable attorney's fee in any case where the bond holder bringing such suit is represented therein by an attorney, shall be ascertained by the court and deducted from the proceeds derived from said suit before such proceeds are prorated, as herein provided for. Any bonds issued under the provisions of this section shall be subject to the provisions of subdivision 2 of Article 2 of Chapter 6 of Title 37 of the Code of Alabama, as said subdivision presently exists and as it may hereafter be amended, and to all other provisions of law now existing or hereafter enacted with respect to the sale and issuance by such cities of general obligation bonds for the purpose of financing public improvements within the city the cost of which is to be assessed wholly or in part against the properties specially benefited thereby; provided, however, that any bonds issued under the provisions of this section shall not constitute general obligations of the issuing city but shall be payable solely from the proceeds of assessments as provided in this section.

Section 5. Repealing Provision. Act. No. 884 adopted at the 1953 Regular Session of the Legislature of Alabama, entitled "An Act to confer on each city in this state having a population of 6,000 or more inhabitants according to the last preceding or any subsequent federal census, or any official census taken pursuant to Article 3 of Chapter 10 of Title 37 of the Code of Alabama of 1940, the same powers for the construction of, and the issuance of securities to finance, street and sidewalk improvements and sewer improvements outside of the corporate limits of such city and within its police jurisdiction as it may have under any law now existing or hereafter enacted respecting the construction of and the issuance of securities to finance any such improvements within the corporate limits of such city; and to confer on each such city the same powers to assess the cost of any such improvements, whether constructed within the city or outside the city and within its police jurisdiction, against the properties specially benefited by such improvements as it may have under any law now existing or hereafter enacted respecting the assessment of the cost of such improvements constructed in such city," and approved September 19, 1953, shall be and hereby is repealed.

Section 6. Severability. In the event that any section, sentence, clause or provision of this act shall be held or declared invalid by any court of competent jurisdiction, such adjudication shall not affect the remaining sections, sentences, clauses and provisions of this act, but it is the legislative intention in passing

this act that such remaining sections, sentences, clauses, and provisions shall nevertheless stand and continue effective.

Approved September 9, 1955.

Time: 12:30 P. M.

Act No. 493

S. 243—Cooper

AN ACT

To authorize and make provision for the incorporation in any municipality in this state of one or more public corporations for the purpose of acquiring, constructing, enlarging, equipping, improving, maintaining, and operating buildings for use by the municipality in which any such corporation shall be organized in the performance of the municipal functions of such municipality; to provide for the election of the directors and officers of each such corporation; to specify its powers; to authorize it and the municipality in which it is organized to enter into leases covering properties of such corporation and to specify requirements respecting such leases; to declare the securing and supplying of reasonable and adequate building, office and storage facilities for the officers, courts, jails, departments, and agencies of the municipality performing municipal duties to be an essential governmental function of the municipality and the rentals payable by the municipality for such purpose to constitute a necessary governmental operating expense of the municipality; to prohibit the municipality in which any such project is located from leasing, or renewing any then existing lease with respect to, any office or storage space in any other buildings located in or about the municipality in which any such project is located while office or storage space is available in such project; to authorize the issuance by such corporation of interest bearing revenue bonds payable solely out of the revenues from the project with respect to which they are issued; to specify provisions of said bonds and to declare them to be negotiable instruments; to provide that said bonds may be secured by pledge of such revenues, lease and rentals by mortgage on the project from which the revenues so pledged shall be derived; to specify the use to which the proceeds of said bonds may be put; to authorize the refunding of said bonds; to provide for remedies in the event of any default; to exempt from taxation the properties of said corporation and the income from the leases made with respect thereto, said bonds and the income therefrom, and said leases and mortgages; to authorize investment of idle and surplus funds of the municipality in said bonds; to provide that said bonds shall be legal investments for fiduciaries and savings banks and insurance companies; to authorize the publication of notice of the adoption of the resolution authorizing said bonds and specifying the period of time after such publication within which actions and defenses may be asserted respecting said bonds, pledge and mortgage and the proceedings authorizing the same; to authorize the transfer to said corporation, with or without consideration, of properties owned by the municipality whether or not they are necessary for the conduct of governmental or other public functions of the municipality; to provide for the vesting in the municipality of title to each project of said corporation as and when bonds which are payable, in whole or in part, from the revenues derived from such project shall have been paid in full; and to provide for the dissolution of said corporation.

Be It Enacted by the Legislature of Alabama:

Section 1 Definitions. The following words and phrases, including the plural of any thereof, whenever used in this act,

shall in the absence of clear implication herein otherwise have the following respective meanings:

"The corporation" means a corporation organized pursuant to the provisions of this act.

"Board" means the board of directors of the corporation.
 "The state" means the State of Alabama.

"The municipality" means that incorporated city or town in the state in which the corporation shall be organized.

"Governing Body" means the Council, Board of Commissioners or other like body in which the legislative functions of the municipality are vested by law.

"Project" means a building or buildings designed for use and occupancy as a city or town hall, jail or municipal building or for the supplying of offices and related facilities for officers and departments of the municipality and any agencies for which the municipality may lawfully furnish office facilities, or any one or more thereof, together with any lands deemed by the board to be desirable in connection therewith.

"Bond" means any bond authorized to be issued pursuant to the provisions of this act, including refunding bonds.

"Coupon" means any interest coupon evidencing an installment of interest payable with respect to a bond.

"Indenture" means a mortgage, an indenture of mortgage, deed of trust, trust agreement or trust indenture executed by the corporation as security for any bonds.

Section 2. Legislative Intent. It is the intention of the Legislature by the passage of this act to authorize in each municipality in the state the incorporation of one or more public corporations as political subdivisions of the state for the purpose of providing buildings for lease to and use by the municipality in the performance of its municipal functions, and to invest such corporations with all powers that may be necessary to enable them to accomplish such purpose, including the power to lease its properties and to issue interest bearing revenue bonds. This act shall be liberally construed in conformity with the said intent.

Section 3. Authority and Procedure to Incorporate. Whenever any number of natural persons, not less than three, shall file with the governing body an application in writing for authority to incorporate a public corporation under the provisions of this act, if it shall be made to appear to the governing body that each of the said persons is a duly qualified elector of and

property owner in the municipality, and if the governing body shall duly adopt a resolution wherein it shall be declared that it will be wise, expedient and necessary that such a corporation be formed and that the persons filing such application shall be authorized to proceed to form such corporation, then the said persons shall become the incorporators of and shall proceed to incorporate the corporation in the manner hereinafter provided. No corporation shall be formed hereunder unless the application herein provided for shall be made and unless the resolution herein provided for shall be adopted.

Section 4. Contents of Certificate of Incorporation. The certificate of incorporation of the corporation shall state: the names of the persons forming the corporation, together with the residence of each thereof, and a statement that each of them is a duly qualified elector of and property owner in the municipality; the name of the corporation (which shall be "The Public Building Authority of the City (or town) of....."; or some other name of similar import); the location of its principal office, which shall be in the municipality; the number of directors (which shall be three or a multiple of three); and any other matters relating to the corporation that the incorporators may choose to insert and that is not inconsistent with this act or with the laws of the state. The form and contents of the certificate of incorporation must be submitted to the governing body for its approval, which shall be evidenced by a resolution duly entered upon the minutes of the governing body.

Section 5. Execution and Recording of Certificate of Incorporation. The certificate of incorporation shall be signed and acknowledged by the incorporators before an officer authorized by the laws of the state to take acknowledgements of deeds and shall have attached thereto a certified copy of the resolution provided for in Section 4 of this act and a certificate by the Secretary of State of the state that the name proposed for the corporation is not identical with that of any other corporation in the state or so nearly similar thereto as to lead to confusion and uncertainty. The certificate of incorporation, together with the documents required by the preceding section to be attached thereto, shall be filed in the office of the Judge of Probate of the county in which the municipality is located, who shall forthwith receive and record the same. When such certificate of incorporation and attached documents have been so filed the corporation referred to therein shall come into existence and shall constitute a body corporate and politic and a political subdivision of the state under the name set forth in such certificate of incorporation, whereupon the corporation shall be vested with the rights and powers herein granted.

Section 6. Board of Directors of the Corporation. The corporation shall have a board of directors composed of the number of directors provided in the certificate of incorporation. All powers of the corporation shall be exercised by the board or pursuant to its authorization. The directors shall be residents of the municipality and shall be elected by the governing body for staggered terms of office as follows: the first term of one-third of the directors shall be two years; of another one-third, four years; and of the remaining one-third, six years; and thereafter the term of office of each director shall be six years. If any director resigns, dies, becomes incapable of acting as a director or ceases to reside in the municipality, the governing body shall elect a successor to serve for the unexpired period of his term. Directors shall be eligible for re-election by the governing body to succeed themselves in office. No director shall be an officer of the state or the municipality. A majority of the members of the board shall constitute a quorum for the transaction of business. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the powers and duties of the corporation. The members of the board and the officers of the corporation shall serve without compensation, except that they may be reimbursed for actual expenses incurred in and about the performance of their duties. All proceedings of the board shall be reduced to writing by the secretary of the corporation and recorded in a well bound book. Copies of such proceedings, when certified by the secretary of the corporation under its seal, shall be received in all courts as evidence of the matters and things therein certified.

Section 7. Officers of the Corporation. The officers of the corporation shall consist of a chairman, vice-chairman, a secretary, a treasurer, and such other officers as the board shall deem necessary to accomplish the purposes for which the corporation was organized. The offices of secretary and treasurer may but need not be held by the same person. The chairman and vice-chairman of the corporation shall be elected by the board from its membership; the secretary, the treasurer, and any other officers of the corporation, who may but need not be members of the board, shall also be elected by the board.

Section 8. Powers of the Corporation. The corporation shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form: to have succession by its corporate name until dissolved as hereinafter provided; to sue and be sued and to prosecute and defend suits in any court having jurisdiction of the subject matter and of the parties; to make use of a corporate seal and to alter the same at pleasure; to adopt and alter by-laws for

the regulation and conduct of its affairs and business; to acquire, whether by purchase, gift, lease, devise, or otherwise, property of every description which the board may deem necessary to the acquisition, construction, improvement, enlargement, operation or maintenance of a project, and to hold title thereto; to construct, enlarge, equip, improve, maintain and operate one or more projects; to borrow money for any of its corporate purposes and to sell and issue in evidence of such borrowing its interest bearing revenue bonds; to sell and issue refunding revenue bonds; to secure any of its bonds by pledge and indenture as hereinafter provided; to appoint, employ and compensate such agents, architects and attorneys as the business of the corporation may require; to provide for such insurance as the board may deem advisable; to invest in obligations that are direct general obligations of the United States of America, or that are unconditionally guaranteed as to both principal and interest by the United States of America, any of its funds that the board may determine are not presently needed for its corporate purposes; to contract, lease, and make lease agreements respecting its properties or any thereof; and to sell and convey any of its properties that may have become obsolete or worn out or that may no longer be needed or useful in connection with or in the operation of any project, provided that it shall not have the power to sell or convey any project substantially as a whole except as hereinafter provided.

Section 9. Lease of Projects to Municipality. The corporation and the municipality are hereby respectively authorized to enter into with each other one or more lease agreements whereunder a project shall be leased by the corporation to the municipality for a term not longer than the then current fiscal year of the municipality, but any such lease agreement may contain a grant to the municipality of successive options of renewing the said lease agreement on the terms specified therein for any subsequent fiscal year or years of the municipality. The said lease agreement may contain appropriate provisions as to the method by which the municipality may, at its election, exercise such of the said options of renewal as its governing body may elect on the terms provided therein, and such other covenants and provisions as shall not be inconsistent with this act and as the corporation and the municipality may agree. The rental for each fiscal year during which said lease agreement shall be in effect shall be due in advance on the first day of the fiscal year, and the said rental for said fiscal year shall be payable, and any such covenant on the part of the municipality shall be performed, solely out of the current revenues of the municipality for such fiscal year. The state shall not in any manner be liable for the performance of any obligation or agreement contained in said

lease agreement. The rental payable and the covenants to be performed by the municipality under the provisions of said lease agreement shall never create an indebtedness of the municipality within the meaning of Section 225 of the constitution of the state. It is hereby declared that it is an essential governmental function of the municipality to secure and supply reasonable and adequate building, office and storage facilities for its officers, courts, jails, departments, and agencies engaged in the performance of municipal duties, and the rentals payable by the municipality for such purpose are and shall constitute a necessary governmental operating expense of the municipality. If there be any default in the payment of any rental required to be paid or in the performance of any covenant required to be performed by the municipality under the provisions of any such lease agreement while such lease agreement shall be in effect, the corporation and any pledgee of said lease agreement may, by any appropriate proceedings at law or in equity instituted within the time permitted by law, enforce and compel payment of such rental and performance of such covenant. Should any office or storage space in any project leased to the municipality become vacant after acquisition or construction thereof by the corporation, then neither the municipality nor any officer, department or agency thereof shall thereafter enter into any lease or rental agreement for additional office or storage space or renew any existing lease or rental agreement for office or storage space in or about the municipality until after all such vacant space in the project shall have been filled.

Section 10. Bonds of the Corporation. The corporation is authorized at any time and from time to time to issue its interest bearing revenue bonds for the purpose of acquiring, constructing, improving, enlarging, completing and equipping one or more projects. The principal of and the interest on any such bonds shall be payable solely out of the revenues derived from the projects with respect to which such bonds are issued. None of the bonds of the corporation shall ever constitute an obligation or debt of the state or the municipality, or a charge against the credit or taxing powers of the state or the municipality. Bonds of the corporation may be issued at any time and from time to time, may be in such form and denominations, may be of such tenor, may be payable in such installments and at such time or times not exceeding thirty years from their date, may be payable at such place or places whether within or without the state, and may bear interest at such rate or rates payable and evidenced in such manner, all as shall not be inconsistent with the provisions of this act and as may be provided in the proceedings of the board wherein the bonds shall be authorized to be issued. Any bond having specified a maturity more than ten years after

its date shall be made subject to redemption at the option of the corporation at the expiration of ten years from its date and on any interest payment date thereafter at such price or prices and after such notice or notices and on such terms and in such manner as may be provided in the proceedings of the board wherein it is authorized to be issued. Bonds of the corporation may be sold at either public or private sale in such manner and from time to time as may be determined by the board to be most advantageous. The corporation may pay all expenses, premiums and commissions that the board may deem necessary or advantageous in connection with the authorization, sale and issuance of its bonds. All bonds shall contain a recital that they are issued pursuant to the provisions of this act, which recital shall be conclusive that they have been duly authorized pursuant to the provisions of this act. All bonds issued under the provisions of this act shall be and hereby are declared to be negotiable instruments within the meaning of the negotiable instruments law of the state despite the fact that they are payable from a limited source.

Section 11. Execution of Bonds. All bonds shall be signed by the chairman or vice-chairman of the corporation and the seal of the corporation shall be affixed thereto and attested by its secretary. Coupons shall be signed by the chairman or vice-chairman of the corporation, but a facsimile of the signature of such chairman or vice-chairman may be impressed on any such interest coupons in lieu of his manually signing the same. Delivery of bonds so executed shall be valid notwithstanding any changes in officers or in the seal of the corporation after the signing and sealing of the bonds.

Section 12. Security for Bonds. The principal of and the interest on the bonds shall be secured by a pledge of the revenues out of which the bonds shall be made payable and by a pledge of the lease agreement covering the project from which revenues so pledged shall be derived and of the rental therefrom, and may be secured by an indenture covering such project. The trustee under any indenture may be a trust company or bank having trust powers, whether located within or without the state. The indenture may contain any agreements and provisions customarily contained in instruments securing evidences of indebtedness including, without limiting the generality of the foregoing, provisions respecting the collection, segregation and application of the rental from any project covered by such indenture, the terms to be incorporated in the lease agreement respecting such project, the maintenance and insurance of such project, the creation and maintenance of special funds from the rental of such project, and the rights and remedies available in the event of default

to the holders of the bonds or the trustee under the indenture, all as the board shall deem advisable and as shall not be in conflict with the provisions of this act; provided however, that in making any such agreements or provisions the corporation shall not have the power to obligate itself except with respect to projects and the application of the revenues therefrom. If there be any default by the corporation in payment of the principal of or the interest on the bonds or in any of the agreements on the part of the corporation that may properly be included in any indenture securing the bonds, any holder of any of the bonds or any of the coupons, or the trustee under any indenture if so authorized in such indenture, may either at law or in equity, by suit, action, mandamus or other proceeding, enforce payment of such principal or interest and compel performance of all duties of the board and officers of the corporation, and shall be entitled as a matter of right and regardless of the sufficiency of any such security to the appointment of a receiver in equity **with all the powers of such receiver for the operation and maintenance of the project covered by such indenture and the collection, segregation and application of rents therefrom; provided that any such indenture shall not be subject to foreclosure and covered thereby or any part thereof in satisfaction of the bonds ing the rights and remedies of any trustee thereunder and the holders of the bonds and the coupons, and may contain provisions restricting the individual rights of action of the holders of the bonds and coupons.**

Section 13. Use of Proceeds From Sale of Bonds. The proceeds derived from the sale of any bonds (other than refunding bonds) may be used only to pay the cost of acquiring, constructing, improving, enlarging and equipping the project with respect to which they were issued, as may be specified in the proceedings in which the bonds are authorized to be issued. Such cost shall be deemed to include the following: the cost of any land forming a part of the projects; the cost of the labor, materials and supplies used in any such construction, improvement and enlargement, including architect's and engineer's fees and the cost of preparing contract documents and advertising for bids; the purchase price of and the cost of installing equipment for the project; the cost of landscaping the lands forming a part of the project and of constructing and installing roads, sidewalks, curbs, gutters, utilities, and parking places in connection therewith; legal, fiscal and recording fees and expenses incurred in connection with the authorization, sale and issuance of the bonds issued in connection with such project; and interest on said bonds for a reasonable period prior to and during the time re-shall not be construed so as to authorize the sale of any project secured thereby. The indenture may contain provisions required for such construction and equipment. If any of the pro-

ceeds derived from the sale of said bonds remains undisbursed after completion of such work and payment of all of the said costs and expenses, such balance shall be used for retirement of the principal of bonds of the same issue.

Section 14. Refunding Bonds. The corporation may at any time and from time to time issue refunding bonds for the purpose of refunding the principal of and interest on any bonds of the corporation theretofore issued hereunder and then outstanding, whether or not such principal and interest shall have matured at the time of such refunding, and for the payment of any expenses incurred in connection with such refunding and any premium necessary to be paid in order to redeem or retire the bonds to be refunded. The proceeds derived from the sale of any refunding bonds shall be used only for the purposes for which the refunding bonds were authorized to be issued. Any such refunding may be effected either by sale of the refunding bonds and the application of the proceeds thereof, or by exchange of the refunding bonds for the bonds or interest coupons to be refunded thereby; provided, that the holders of any bonds or coupons so to be refunded shall not be compelled without their consent to surrender their bonds or coupons for payment or exchange prior to the date on which they may be paid or redeemed by the corporation under their respective provisions. Any refunding bonds of the corporation shall be payable solely from the revenues out of which the bonds or coupons to be refunded thereby were payable. All provisions of this act pertaining to bonds of the corporation that are not inconsistent with the provisions of this section shall, to the extent applicable, also apply to refunding bonds issued by the corporation.

Section 15. Exemption From Taxation. Each project and the income from all leases made with respect thereto, the bonds issued by the corporation and the income therefrom, and all lease agreements and indentures made pursuant to the provisions hereof, shall be exempt from all taxation in the state.

Section 16. Remedies on Default. If there be any default in the payment of the principal of or interest on any bonds issued hereunder, then the holder of any of the bonds and of any of the interest coupons applicable thereto and the trustee under any indenture, or any one or more of them, (a) may either at law or in equity, by suit, action, mandamus, or other proceeding, compel performance of all duties of the officers and directors of the corporation with respect to the use of funds for the payment of the bonds and for the performance of the agreements of the corporation contained in the proceedings under which they were issued, and compel performance of the duties of all officials of the city with respect to payment of the rentals provided to be

paid under any lease made by the municipality pursuant to the provisions hereof and pledged as security for the bonds, and (b) regardless of the sufficiency of the security for the bonds and as a matter of right, shall be entitled to the appointment, as a matter of right, of a receiver to administer and operate the project out of the revenues from which the bonds issued with respect thereto are payable, with power to make leases and fix and collect rents sufficient to provide for the payment of the principal of and interest on the bonds and any other obligations outstanding against the project or the revenues therefrom and for the payment of the expenses of operating and maintaining the project, and with power to apply the income therefrom in accordance with the provisions of the proceedings under which the bonds were authorized to be issued. The remedies herein specified shall be cumulative to all other remedies which may otherwise be available for the benefit of the holders of the bonds and the coupons applicable thereto.

Section 17. Investment of Municipal Funds in Bonds of the Corporation. The governing body is authorized in its discretion to invest in bonds of the corporation any idle or surplus money held in the treasury of the municipality which are not otherwise earmarked or pledged.

Section 18. Eligibility of Bonds as Investment for Trust Funds. Bonds issued under the provisions of this act are hereby made legal investments for executors, administrators, trustees and other fiduciaries and for savings banks and insurance companies organized under the laws of the state.

Section 19. Notice of Bond Resolution. Upon the adoption by the board of any resolution providing for the issuance of bonds, the corporation may in its discretion, cause to be published once a week for two consecutive weeks, in a newspaper published in the municipality, or if there is no newspaper published in the municipality, then in a newspaper published in the county in which the municipality is located, a notice in substantially the following form (the blanks being properly filled in):

"....., a public corporation and a political subdivision of the State of Alabama, on the.....day of, authorized the issuance of \$..... principal amount of revenue bonds of the said corporation for purposes authorized in the act of the Legislature of Alabama under which the said corporation was organized. Any action or proceeding questioning the validity of the said bonds, or the pledge and the indenture to secure the same, or the proceedings authorizing the same, must be commenced within twenty days after the first publication of this notice." Any action or pro-

ceeding in any court to set aside or question the proceeding for the issuance of the bonds referred to in said notice or to contest the validity of any such bonds, or the validity of the pledge and indenture made therefor, must be commenced within twenty days after the first publication of such notice. After the expiration of the said period no right of action or defense founded upon the validity of the said proceedings or of the said bonds, or the said pledge or indenture shall be asserted, nor shall the validity of the said proceedings, bonds, pledge or indenture be open to question in any court on any ground whatsoever except in an action commenced within such period.

Section 20. Conveyance of Property to Corporation by the Municipality. The municipality is hereby authorized to convey to the corporation, with or without the payment of monetary consideration therefor, any property that may be owned by the municipality, whether or not such property is necessary for the conduct of the governmental or other public functions of the municipality; provided, that such conveyance shall be authorized by a resolution duly adopted by the governing body prior to the conveyance.

Section 21. Dissolution of the Corporation and Vesting of Title to Its Properties. At any time when the corporation does not have any bonds outstanding, the board may adopt a resolution which shall be duly entered upon its minutes, declaring that the corporation shall be dissolved. Upon the filing for record of a certified copy of said resolution in the office of the Judge of Probate of the county in which the municipality is located, the corporation shall thereupon stand dissolved, and in the event it owned any property at the time of its dissolution the title to all its property shall thereupon vest in the municipality. In the event the corporation shall at any time have outstanding bonds issued hereunder payable out of the revenues from different projects, then as and when the principal of and the interest on all bonds payable, in whole or in part, from the revenues derived from any project shall have been paid in full, title to the project with respect to which the bonds so paid in full have been paid shall thereupon vest in the municipality, but such vesting of title in the municipality shall not affect the title of the corporation to any other project, the revenues from which are pledged for the payment of any other bonds then outstanding. The formation and dissolution of one or more corporations under the provisions of this act shall not prevent the subsequent formation hereunder of other corporations in the same municipality.

Section 22. Provisions Cumulative. This act shall not be construed as a restriction or limitation upon any power, right or remedy which any municipality or any corporation now in exist-

ence or hereafter formed may have in the absence thereof, and shall be construed as cumulative and independent thereof.

Section 23. Severability. This act is hereby declared to be severable. Should any section or provision hereof be held invalid or unenforceable by a court of competent jurisdiction, said holding shall not invalidate or render unenforceable the remaining provisions or sections hereof.

Section 24. Effective Date. This act shall become effective immediately upon its approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 12:31 P. M.

Act No. 494

S. 242—Cooper

AN ACT

To amend Sections 308, 309, 310, 312 as heretofore amended, 313, 314, 315, 325 as heretofore amended, 327, 329, and 340 of Title 37 of the Code of Alabama of 1940, all of said Sections being in Subdivision 3 of Article 2 of Chapter 6 of said Title 37, so as to confer on each county and municipality in the state the same powers with respect to the acquisition and financing of electric systems that are conferred by said subdivision with respect to water, sanitary sewer, and gas systems; so as to authorize each county or municipality to consolidate any two or more of its systems, including water, sanitary sewer, gas and electric systems; so as to authorize each county and municipality to issue its revenue bonds (a) for financing the acquisition, improvement, enlargement, extension and repair of any one or more of its water, sanitary sewer, gas, and electric systems, or any such consolidated system or systems; (b) for refunding any bonds heretofore or hereafter issued under said subdivision, or (c) for the combined purpose of such financing and such refunding; so as to authorize such county and municipality to make its revenue bonds hereafter issued under said subdivision payable solely out of the revenues from any one or more of its said systems, regardless of the system or systems for the benefit of which such revenue bonds may be issued and regardless of whether or not any of said systems may have been consolidated; so as to make additional provisions with respect to bonds hereafter issued under said subdivision and statutory mortgage liens hereafter created thereunder; so as to revise the provisions of said subdivision respecting the custody and disposition of the revenues from systems hereafter made subject to such liens; so as to provide that the due recording of a notice of such lien shall operate as constructive notice thereof; so as to revise the provisions of said subdivision respecting publication of notice of the authorization of bonds thereunder; and to repeal Sections 331, 332 and 333 of said Title 37.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 308 of Title 37 of the Code of Alabama of 1940 shall be and hereby is amended so as to read as follows:

“Section 308. Powers with respect to water, sewer, gas and electric systems conferred on counties and municipalities. Any

county or incorporated municipality in the State of Alabama is authorized to acquire by any lawful means any one or more of the following systems: a water works system, a sanitary sewer system, a gas system, and an electric system and in furtherance of the acquisition of any such system to acquire any necessary part thereof, either within or without, or partially within and partially without, the limits of any such county or the corporate limits of any such municipality, as the case may be; provided, that no municipality in this state shall have, under the authority conferred by this subdivision, the right to construct a gas system, a domestic water distribution system, or electric system, or portion thereof, if there is at the time of such proposed construction a gas system, domestic water distribution system, or electric system, respectively, or any portion thereof, then operated as a public utility within the corporate limits of such municipality by any private or public utility corporation, individual, partnership or association, and provided that no county in this state shall have, under the authority conferred by this subdivision, the right to construct a gas system, domestic water distribution system, electric system, or portion thereof, in that portion of said county where there may then be located any gas system, domestic water distribution system, or electric system respectively, or any portion thereof, then being operated as a public utility by any private or public utility corporation, individual, partnership or association. Any county or incorporated municipality in the state that may now or hereafter own and operate a water works system, sanitary sewer system, gas system, or electric system is authorized to improve, enlarge, extend, and repair such system and to furnish the services, commodities and facilities of such system to domestic or industrial users, or both, within or without the limits of such county or municipality, as the case may be. Any such county or incorporated municipality may, if it so elects, at any time and from time to time consolidate any two or more of its systems, including any water works system, sanitary sewer system, gas system or electric system, into one combined and consolidated system and provide for the operation, maintenance and repair of such combined system, and the keeping of books and records with respect thereto, as one unit."

Section 2. Section 309 of said Title 37 shall be and hereby is amended so as to read as follows:

"Section 309. Definition of terms. The following words and phrases, when used in this subdivision, shall have the respective meanings hereinafter set forth. 'Borrower' means a county or incorporated municipality, as the case may be, exercising the powers conferred by this subdivision. 'Governing body' means,

in the case of a county, the Court of County Commissioners, Board of Revenue, or other similar body exercising the legislative functions of the county and, in the case of a municipality, the Board of Commissioners, Mayor and Council, or other similar body exercising the legislative functions of the municipality. 'Water works system' means facilities for the gathering, collecting, impounding, treatment, transmission, and distribution, or any of them, of water for domestic use or for industrial use, or both, together with all appurtenances to any such facilities. 'Sanitary sewer system' means facilities for the collection, transmission, treatment and disposal of sewage, together with all appurtenances to any such facilities. 'Gas system' means facilities for the manufacture, conditioning, transmission, and distribution, or any thereof, of manufactured or natural gas, together with all appurtenances to such facilities. 'Electric system' means facilities for the generation, manufacture and distribution, or any thereof, of electricity, together with all appurtenances to such facilities. 'Combined system' means a consolidated system resulting from the combination of any two or more of the following: a water works system, a sanitary sewer system, a gas system, and an electric system. 'System' and 'project' mean a water works system, a sanitary sewer system, a gas system, an **electric system**, or a combined system. 'Industrial', when used with reference to a water works system, means a water works system designed to supply or distribute water primarily for use other than human consumption. 'Domestic', when used with reference to a water works system, means a water works system designed to supply or distribute water primarily for human consumption. 'Domestic water distribution system' means a water works system designed to distribute water primarily for human consumption. 'Bonds' and 'revenue bonds' mean bonds issued hereunder. 'Authorizing proceedings', 'authorizing ordinance' and similar phrases mean an ordinance or resolution adopted by the governing body of a borrower whereunder bonds are provided to be issued pursuant to the provisions of this subdivision. 'Hereunder' means under this subdivision 3 of Article 2 of Chapter 6 of Title 37 of the Code of Alabama of 1940, and not only to the portion of said subdivision in which said word appears. The definitions set forth in this section include both the singular and the plural of the words and phrases defined."

Section 3. Section 310 of said Title 37 shall be and hereby is amended so as to read as follows:

"Section 310. Estimated cost. Whenever the **governing body** of any borrower shall determine to acquire, improve, enlarge, extend or repair a system or systems under the provisions of this subdivision, it shall first cause an estimate to be made of the

cost thereof, and the fact that such estimate has been made and the amount thereof shall appear in the authorizing proceedings providing for the issuance of the bonds proposed to be issued to finance such acquisition, improvement, enlargement, extension or repair."

Section 4. Section 312 of said Title 37, as heretofore amended, shall be and hereby is amended so as to read as follows:

"Section 312. Bond provisions. Any borrower may issue its revenue bonds (a) for the purpose of financing the acquisition, improvement, enlargement, extension, and repair, or any of them, of a system or systems, or (b) for the purpose of refunding the principal of and the interest on any bonds of such borrower theretofore issued hereunder and then outstanding, whether or not such principal and interest shall have matured at the time of such refunding, or (c) for the combined purpose of financing any such acquisition, improvement, enlargement, extension, and repair, or any of them, and refunding any such principal and interest. Any bonds issued hereunder shall be made payable solely out of the revenues from the operation of a system or systems of the borrower, and may be made payable from any such revenues without regard to whether or not such bonds are issued for the benefit of or with respect to the particular system or systems out of the revenues from which such bonds are made payable, and without regard to whether or not the system or systems for the benefit of which the bonds are to be issued have been consolidated and combined with the system or systems from the revenues of which the bonds are made payable. Prior to the issuance of any bonds hereunder, the governing body of the borrower shall adopt authorizing proceedings which shall set forth the purpose of the issue, a brief description of any system to be acquired with any part of the proceeds of such issue, a brief description of any improvement, enlargement, extension, or repair to be financed with any part of such proceeds, a statement of the estimated cost of acquiring any such system or making any such improvement, enlargement, extension, or repair, a description of the bonds to be issued, including the total principal amount thereof, the maximum rate of interest to be borne thereby, the times and places of payment of the principal thereof and the interest thereon, and any other details respecting such bonds that the governing body may deem advisable and that are not in conflict with the provisions of this subdivision. Such bonds shall be payable at such place or places, either within or without the state, as shall be prescribed in the authorizing proceedings. The bonds and coupons shall be executed in the manner and shall be substantially in the form provided in the authorizing proceedings. The bonds may be issued

in coupon or in registered forms, or both, as the governing body may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the conversion of bonds in bearer form into registered form, and vice versa. Each series of bonds issued hereunder (including any bonds issued wholly or in part for refunding, as herein provided) shall mature in the manner provided for the maturity of revenue bonds in Section 255 of this title, and shall be sold as provided in Sections 258, 259 and 260 of this title. If all bonds of a single series are not issued at the same time, all bonds of such series outstanding at the time of each issuance of any bonds of that series shall mature as provided for the maturity of revenue bonds in said Section 255. Prior to the preparation of definitive bonds, any borrower may, under the restrictions contained in this subdivision, issue temporary bonds, with or without coupons, exchangeable for definitive bonds upon the issuance of the latter. The governing body of any borrower shall have the power to provide for the replacement of any bonds which shall become mutilated or be destroyed or lost. No bond or coupon issued pursuant to this subdivision shall constitute an indebtedness of the borrower issuing the same, within the meaning of any state constitutional provision or statutory limitation. It shall be plainly stated in each of the bonds that the same has been issued under the provisions of this subdivision and that it does not constitute an indebtedness of such borrower within any state constitutional provision or statutory limitation. The authorizing proceedings may provide for the issuance of the bonds under a trust indenture, which may contain such provisions as the governing body may choose to insert therein regarding the duties and obligations of the borrower and the trustee under such trust indenture, the rights, remedies and privileges of the holders of such bonds and the coupons thereunto appertaining and of such trustee with respect to the system or systems out of the revenues from which such bonds are payable and with respect to such revenues; provided, however, that the provisions of any such trust indenture shall not conflict with any provisions of this subdivision. The trustee under such trust indenture may be any trust company or bank either within or without the state having the powers of a trust company in the United States."

Section 5. Section 313 of said Title 37 shall be and hereby is amended so as to read as follows:

"Section 313. Statutory mortgage lien. In the authorizing proceedings or in the trust indenture, if any, under which bonds may be issued pursuant to the provisions of this subdivision, there shall be created a statutory mortgage lien, in favor of the

holders of such bonds and of the interest coupons applicable thereto, on each system or systems (including any additions thereto and extensions thereof that may be thereafter made) out of the revenues from which such bonds are made payable. The authorizing proceedings or such trust indenture may provide for the filing for record in the office of the Judge of Probate of each county in which any part of such system or systems may be located of a notice containing a brief description of such system or systems, a brief description of such bonds, and a declaration that said statutory mortgage lien has been created, for the benefit of the holders of such bonds and the interest coupons applicable thereto, upon such system or systems, including any additions thereto and extensions thereof. Each Judge of Probate shall receive, record, and index any such notice filed for record in his office. The recording of such notice, as herein provided, shall operate as constructive notice of the contents thereof."

Section 6. Section 314 of said Title 37 shall be and hereby is amended so as to read as follows:

"Section 314. Enforcement of liens. Any system or systems that shall be made subject to a statutory mortgage lien as provided for herein shall remain subject to such lien until payment in full of the principal of and the interest on the bonds to secure the payment of which such lien was created or until moneys sufficient for the payment thereof shall have been set aside in trust for payment thereof. Any holder of any of said bonds or of any of the interest coupons applicable thereto and the trustee under any trust indenture, if so provided in such indenture, may either at law or equity, by suit, action, mandamus or other proceedings, protect, enforce and compel performance of all duties of the officials of the borrower, including the fixing of sufficient rates, the collection of revenues, the proper segregation of the revenues of the system or systems, and the proper application thereof; provided, however, that such statutory mortgage lien shall not be construed to give any such holder of bonds or coupons or such trustee authority to compel the sale of such system or systems or any part thereof. Any trust indenture provided for by the authorizing proceedings may contain such provisions regarding the rights and remedies of the trustee thereunder and the holders of the bonds and coupons as the governing body may deem advisable and as are not in conflict with the provisions of this subdivision, and may contain such provisions restricting the individual right of action of the holders of the bonds or coupons as are customary in indentures respecting bonds or debentures of corporations."

Section 7. Section 315 of said Title 37 shall be and hereby is amended so as to read as follows:

"Section 315. Receiver on default. If there be any default in the payment of the principal of or interest upon any bonds issued hereunder, any court having jurisdiction in any proper action may appoint a receiver to administer and operate the system or systems out of the revenues from which such bonds are payable, with power to fix and charge rates and collect revenues sufficient to provide for the payment of such bonds and any other obligations outstanding against said system or systems or the revenues therefrom and for the payment of the expenses of operating and maintaining such system or systems, and with power to apply the income and revenues of said system or systems in conformity with this subdivision and the authorizing proceedings and any trust indenture provided for therein."

Section 8. Section 316 of said Title 37 shall be and hereby is amended so as to read as follows:

"Section 316. Bonds not subject to limitations of certain other laws. The bonds authorized hereunder shall not be subject to any limitations or provisions contained in subdivisions 4 and 5 of this article or to the provisions of Chapter 7 of Title 12 of this code."

Section 9. Section 325 of said Title 37, as heretofore amended, shall be and hereby is amended so as to read as follows:

"Section 325. Refunding bonds. Any bonds issued hereunder solely for refunding purposes shall, unless it shall be otherwise provided in the authorizing proceedings providing for the issuance thereof, be secured to the same extent and have the same sources of payment as the bonds refunded thereby. Unless otherwise provided in the authorizing proceedings providing for the issuance of any such bonds issued solely for refunding purposes, the holders of such bonds shall be subrogated to all the rights and powers of the holders of the bonds refunded thereby."

Section 10. Section 327 of said Title 37 shall be and hereby is amended so as to read as follows:

"Section 327. Pledge of revenues and disposition thereof. In the authorizing proceedings the borrower shall pledge for payment of the principal and interest on bonds issued hereunder the revenues, derived from operation of a system or systems of the borrower, out of which such bonds are made payable; provided that the borrower may reserve the privilege of using for any lawful purpose surplus revenues from such system or systems remaining after compliance with the provisions of this

section and any additional requirements contained, as provided for herein, in the authorizing proceedings or in a trust indenture. In the authorizing proceedings or in a trust indenture provided for therein, the borrower shall agree to deposit the gross revenues from such system or systems daily, as received by the borrower, into a 'Gross Revenue Account' and to apply the gross revenues in such account for monthly payments into the following separate and special funds, in the order in which said funds are hereinafter listed: (a) a 'Bond and Interest Redemption Fund', into which the borrower shall agree to pay monthly out of said gross revenues sums sufficient to provide for the payment at maturity of the principal and interest on the bonds; (b) an 'Operation and Maintenance Fund', into which the borrower shall agree to pay monthly, out of said gross revenues, sums sufficient to provide for the payment of expenses of the administration and operation of, and such expenses for maintenance as may be necessary to preserve in good repair, the system or systems out of the revenues from which such bonds are payable; (c) a 'Debt Service Reserve Fund', into which the borrower shall agree to pay monthly, out of said gross revenues, sums sufficient to build up within a reasonable period of time a reasonable reserve for payment of such principal and interest; and (d) a 'Replacement and Extension Fund', into which there shall be set aside and paid monthly sums sufficient to build up within a reasonable period of time a reasonable reserve for capital improvements, betterments and extensions to the system or systems out of the revenues from which such bonds are payable. The authorizing proceedings shall set forth the determination of the governing body as to the respective amounts that will constitute reasonable reserves for the purposes referred to in clauses (c) and (d) of this section and as to the respective periods of time that will constitute reasonable periods within which such reserves shall be built up; and such determination shall be conclusive as to the respective amounts and the respective periods of time so determined to be reasonable. The authorizing proceedings or a trust indenture provided for therein may contain such additional provisions and requirements not in conflict with this subdivision, with respect to the revenues out of which the bonds are payable, as the governing body of the borrower may deem advisable."

Section 11. Section 329 of said Title 37 shall be and hereby is amended so as to read as follows:

"Section 329. Depositories. The governing body of the borrower shall designate as depository for the 'Gross Revenue Account' and each of the special funds provided for in Section 327 hereof a bank or trust company duly qualified and doing

business within the State of Alabama. The moneys in said account and in each of the said funds shall be received and held by the respective depositories therefor in separate and special accounts as trust funds for the benefit of the borrower and the holders of the bonds and coupons, as their respective interests may appear, and shall be applied only for the respective purposes specified in the authorizing proceedings or any trust indenture provided for in the authorizing proceedings; provided, that the authorizing proceedings or such trust indenture may provide that any depository for said account or for the said Replacement and Extension Fund shall not be liable for the misapplication of moneys in said account or said fund, as the case may be, if disbursed pursuant to the written order of a duly authorized officer of the borrower and without knowledge or reason to believe that such disbursement constitutes a misapplication of funds."

Section 12. Sections 331, 332 and 333 of said Title 37 shall be and hereby are repealed.

Section 13. Section 340 of said Title 37 shall be and hereby is amended so as to read as follows:

"Section 340. Publication of notice of adoption of authorizing proceedings. After the adoption of authorizing proceedings providing for the issuance of bonds hereunder, the borrower shall cause to be published once a week for two successive weeks in a newspaper either published or having general circulation within the limits of the county or municipality, as the case may be, proposing to issue such bonds, a notice in substantially the following form (the blanks being first properly filled in), with the printed or written signature of the clerk or other recording officer of the borrower appended thereto:

'An ordinance (or resolution) authorizing the issuance of \$..... principal amount of revenue bonds of (here insert name of the borrower) under the provisions of Title 37, Chapter 6, Article 2, Subdivision 3, of the Code of Alabama, as amended, was duly passed by the (here insert name of the governing body) of (here insert name of the borrower) on the.....day of....., 19....., for the purpose of (here state briefly the purpose of the proposed financing). The said bonds will be secured by a pledge of revenues derived from operation of (here state the system or systems out of the revenues from which such bonds are to be made payable). Any action or proceeding questioning the validity of said ordinance (or resolution) must be commenced within thirty days after the first publication (or posting) of this notice.'

If there is no newspaper published or having general circulation within the limits of such county or municipality, as the case may be, at the time when its governing body directs such publication to be made, such notice shall be published by posting copies thereof at three public places within the limits of the borrower. Any action or proceeding in any court to set aside the authorizing proceedings or to restrain the proposed issuance of such bonds, or to obtain any other relief upon the ground that the authorizing proceedings are invalid, must be commenced within thirty days after the first publication of such notice in a newspaper, as provided for herein, or within thirty days after the commencement of the posting of such notice in those cases in which posting is permitted by this section. After the expiration of such period of limitation, no right of action or defense founded upon the invalidity of the authorizing proceedings shall be asserted, nor shall the validity of said bonds or said authorizing proceedings be open to question in any court upon any ground whatever, except in an action or proceeding commenced within such period."

Approved September 9, 1955.

Time: 12:32 P. M.

Act No. 495

S. 293—Moses, Yarbrough (Randolph), Boutwell, Cantrell, Grisham, Metcalf, Little, Engelhardt, Bradford, Allen, James, Goodwin, Roberts, Givhan, Tate, Shelton, Van Antwerp, Robison, Yarbrough (Autauga), Flowers, Skidmore, Lamberth.

AN ACT

To amend Section 369 of Title 52 of the Code of Alabama of 1940, as amended, which relates to the Teachers' Retirement System.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 369 of Title 52 of the Code of Alabama of 1940, as amended, be and is hereby amended to read as follows:

S. 369. METHOD OF FINANCING.—Effective October 1, 1955 all of the assets of the retirement system shall be credited according to the purpose for which they are held among five funds, namely: the annuity savings fund, the annuity reserve fund, the pension accumulation fund, the pension reserve fund, and the expense fund. The operation of the former pension fund shall be discontinued as of such date and an amount equal to the pension reserve on all pensions, and benefits in lieu

thereof, in effect as of that date and payable theretofore from the pension fund shall be transferred to the pension reserve fund and an amount equal to the balances of the reserves held in said former fund shall be transferred to the pension accumulation fund. (1) (a) The annuity savings fund shall be a fund in which shall be accumulated contributions from the compensation of members to provide for their annuities. Contributions to and payments from the annuity savings fund shall be made as follows: (b) Each employer shall cause to be deducted from the salary of each member on each and every payroll of such employer for each and every payroll period three and one-half per centum of his earnable compensation up to forty-two hundred dollars per annum. In determining the amount earnable by a member in a payroll period, the Board of Control may consider the rate of annual compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period, and it may omit deductions from compensation for any period less than a full payroll period if a teacher was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed one-tenth of one per cent of the annual compensation upon the basis of which such deduction is to be made. (c) The deductions provided for herein shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deduction made and provided for herein and shall receipt for his full salary or compensation, and payment of salary or compensation less such deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the service rendered by such person during the period covered by such payment, except as to the benefits provided under this chapter. The employer shall certify to the board of control on each and every payroll or in such other manner as the board may prescribe, the amounts to be deducted; and each of said amounts shall be deducted, and when deducted shall be paid into the annuity savings fund, and shall be credited, together with regular interest thereon, to the individual account of the member from whose compensation said deduction was made. (d) In addition to the contributions deducted from compensation as hereinbefore provided, subject to the approval of the board of control, any member may re-deposit in the annuity savings fund by a single payment or by an increased rate of contribution an amount equal to the total amount which he previously withdrew therefrom as provided in this chapter, or any part thereof; or any member may deposit therein by a single payment or by an increased rate of

contribution an amount computed to be sufficient to purchase an additional annuity which, together with his prospective retirement allowance, will provide for him a total retirement allowance of not to exceed one-half of his average final compensation at age sixty. Such additional amounts so deposited shall become a part of his accumulated contributions except in the case of retirement, when they shall be treated as excess contributions returnable to the member in cash or as an annuity of equivalent actuarial value and shall not be considered in computing his pension. The contributions and interest credits of a member withdrawn by him, or paid to his estate or to his designated beneficiary in event of his death, shall be paid from the annuity savings fund. Should a member cease to be a member other than by retirement under the provisions of this chapter, an amount equivalent to the difference, if any, between his accumulated contributions and the amount then paid shall be transferred to the expense fund. Upon the retirement of a member his accumulated contributions shall be transferred from the annuity savings fund to the annuity reserve fund. (e) Notwithstanding the preceding provisions, no deductions shall be made from any member's salary on account of which the employer's contribution is in default. (2) The annuity reserve fund shall be the fund in which shall be held the reserves on all annuities in force and from which shall be paid all annuities and all benefits in lieu of annuities. Should a beneficiary again become a member of the retirement system, his annuity reserve shall be transferred from the annuity reserve fund to the annuity savings fund and credited to his individual account therein. Should a beneficiary again become a teacher, his annuity reserve may be transferred from the annuity reserve fund to the annuity savings fund and credited to his individual account therein. (3) (a) The pension accumulation fund shall be the fund in which shall be accumulated all reserves for the payment of all pensions and other benefits payable from contributions made by employers. Contributions to and payments from the pension accumulation fund shall be made as follows: (b) On account of each member there shall be paid annually into the pension accumulation fund by employers for the preceding fiscal year an amount equal to a certain percentage of the earnable compensation of each member to be known as the "normal contribution" and until the accrued liability has been liquidated, an additional amount equal to a percentage of his earnable compensation to be known as the "accrued liability contribution". (c) The accrued liability shall be computed by the actuary at the time of the first actuarial valuation of the system following October 1, 1953 as the unfunded cost of all benefits based on service prior to that date. Immediately after computing the

accrued liability, the actuary shall determine the accrued liability contribution rate by calculating the amount which, if paid each year during the twenty-year period immediately following October 1, 1953, would liquidate such accrued liability, and dividing such amount by one percent of the total earnable compensation of all members. (d) The actuary engaged by the board to make each valuation required by this chapter shall, immediately after making such valuation, determine the normal contribution rate by deducting from the total liabilities of the pension accumulation fund, the amount of the funds in hand to the credit of that fund plus the amount of the unfunded portion of the accrued liability, and dividing the remainder by one percent of the present value of the prospective future salaries of all members. (e) All interest and dividends earned on the funds of the retirement system shall be credited to the pension accumulation fund. The amounts needed to allow regular interest on the reserves in the annuity savings fund, the annuity reserve fund, and the pension reserve fund shall be transferred in accordance with the provisions of this chapter to the respective funds from the pension accumulation fund. The board of control, in its discretion, may transfer to and from the pension accumulation fund the amount of any surplus or deficit which may develop in the annuity savings fund, the annuity reserve fund, the pension reserve fund, or the expense fund. (f) Upon the retirement of a member an amount equal to his pension reserve shall be transferred from the pension accumulation fund to the pension reserve fund. (4) The pension reserve fund shall be the fund in which shall be held the reserves on all pensions granted to members and from which such pensions and benefits in lieu thereof shall be paid. Should a beneficiary receiving a pension from the pension reserve fund again become a member of the retirement system, his pension reserve shall be transferred from the pension reserve fund to the pension accumulation fund. Should the pension payable from the pension reserve fund be reduced as a result of an increase in the earning capacity of a disability beneficiary, the amount of such annual reduction in his pension shall be paid annually into the pension accumulation fund during the period of such reduction. (5) The expense fund shall be the fund from which the expenses of the administration of the retirement system shall be paid, exclusive of amounts payable as retirement allowances and as other benefits provided herein. Any amounts credited to the accounts of members withdrawing or dying before retirement and not returnable under the provisions of subsection (3) of section 366 of this title shall be credited to the expense fund. Any additional contributions required to meet the expense of the retirement system shall be made as provided in subsection (6), paragraph (c), of this

section. (6) (a) On or before October 1 of each year, each county and city board of education, the state board of education, the governing boards of the University of Alabama, the Alabama Polytechnic Institute, and Alabama College, and the executive committee of the Alabama Education Association shall file with the board of control of the retirement system a certified statement containing the following information concerning the members of the retirement system employed by such boards for the scholastic year beginning on July first preceding said date: Name, address, monthly salary, annual salary, and such other information as the board of control may require. On or before July thirty-first of each year, each county and city board of education; the state board of education; the governing boards of the University of Alabama, the Alabama Polytechnic Institute, and Alabama College; and the executive committee of the Alabama Education Association shall file with the board of control of the retirement system a certified statement containing the following information concerning members of the retirement system employed by such boards during the scholastic year ending on June thirtieth preceding said date: Name, address, monthly salary actually paid, total annual salary actually paid, and such other information as the board of control may require. (b) The collection of members' contributions shall be as follows: Each county and city board of education; the state board of education, the governing boards of the University of Alabama, the Alabama Polytechnic Institute, and Alabama College; and the executive committee of the Alabama Education Association shall cause to be deducted on each and every payroll period subsequent to the date of the establishment of the retirement system the contributions payable by each member as provided in this chapter. Each employer shall transmit monthly, or at such time as the board of control shall designate, the total amount so deducted to the secretary-treasurer of the board of control accompanied by an itemized statement of the contributions of each individual member of the retirement system. The secretary-treasurer of the board of control after making a record of all such receipts shall transmit the same to the state treasurer to be held for use according to the provisions of this chapter. Notwithstanding anything in this section, the board of control may modify the form of reports required of employers, and may modify the method of collecting the contributions of members so that employers may retain the amounts so deducted and have a corresponding amount deducted from funds otherwise payable to them. (c) The employers' contributions shall be made by appropriation from the Alabama Special Educational Trust Fund. The appropriation shall be in an amount to be determined as follows: on or before

the first day of February next preceding each regular meeting of the Legislature, the Board of Control shall certify to the Governor the amount calculated as a percentage of the salaries of teachers to be contributed by the State as employer for each year of the biennium next following to each of the funds of the retirement system in accordance with subsections (3) and (5) of this section. These amounts shall be included in the appropriation bill which is submitted to the Legislature. The Board of Control shall certify to the State Comptroller one quarter of the annual amount appropriated in each quarter of the fiscal year and he shall draw a warrant or warrants for the amounts due the retirement system to be deposited with the State Treasurer.

Section 2. This Act shall take effect October 1, 1955.

Approved September 9, 1955.

Time: 12:33 P. M.

Act No. 496

H. 1032—Hodges

AN ACT

To alter or rearrange the boundary lines of the Town of Ragland, St. Clair County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits, and also certain other territory in St. Clair County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of Ragland, St. Clair County, Alabama, be and the same are altered or rearranged so as to include within the corporate limits of said town, all territory now within such corporate limits, and also other territory within St. Clair County, Alabama, described as follows:

Begin on the North right of way line of the Seaboard Airline Railway Company on the East line of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 7, Township 15, Range 5 East; thence in a south westerly direction along the north line of the Seaboard Airline Railway Company right of way to the South line of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 7, Township 15, Range 5 East; thence West along section line to the south west corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 12, Township 15, Range 5 East; thence North along the section line to a point where the west line of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 12, Township 15, Range 4 East intersects the North line of the M. H. Acton line, being approximately 900 feet North of the south west corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 12, Township 15, Range 4 East; thence South 73 degrees 24', 967 feet more or less, and following the M. H. Acton line; thence North 66 degrees, .06' East, 387.11 feet to

the East line of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 7, Township 15, Range 5 East; thence North 72 degrees—00' East to the North line of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 7, Township 15, Range 5 East; thence East along the North line of said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 7, Township 15, Range 4 East, to the North East corner thereof; thence South along the half section line to point of beginning.

Also beginning 950.8 feet East of the North West corner of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 8, Township 15, Range 5 East; thence East along section line to the north east corner of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 9, Township 15, Range 5 East; thence South along quarter section line to the south east corner of the North $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 9, Township 15, Range 5 East; thence West, and parallel to the half section line to the south west corner of the North $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 8, Township 15 Range 5 East; thence continuing west 369.2 feet; thence North and parallel to the quarter section line 3300 feet to point of beginning.

Section 2. That the boundaries as set out in Section 1, of this Act, be and the same are hereby established as the corporate limits of the Town of Ragland, St. Clair County, Alabama, and all the territory included and embraced in said boundaries shall hereafter be and constitute the Town of Ragland, St. Clair County, Alabama.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 12:34 P.M.

Act No. 497

H. 1031—Speaks

AN ACT

To create the office of Deputy Solicitor for Chilton County; to provide for his election, and the method of appointment in the event of a vacancy; to fix his salary and define his powers and duties; and to repeal all general and local laws in conflict herewith so far as they relate to Chilton County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created the office of Deputy Solicitor of Chilton County.

Section 2. The Deputy Solicitor hereby created shall be elected by the qualified electors of the County of Chilton at the General Election to be held for the election of State and County officers in November, 1958, and every four years thereafter, and shall hold office for a term of four years beginning on the

first Monday after the second Tuesday in **January next after** his election, and until his successor is elected and qualified.

Section 3. A vacancy in the office of such deputy solicitor shall be filled by appointment of the Circuit Solicitor of the Circuit in which Chilton County then is, and the appointee shall hold office for the unexpired term and until his successor is elected and qualified.

Section 4. It shall be the duty of the deputy solicitor of Chilton County to represent the State of Alabama in all cases in the courts of the County, in all preliminary proceedings, applications for bail and habeas corpus and other criminal proceedings in said county requiring the services of a prosecuting attorney; to aid and act for the solicitor of the Circuit Court before the Grand Jury and in all matters of the Circuit Court, and in the absence of the Circuit Solicitor to perform all of his duties; also to attend coroner's inquest and examine witnesses and select such witnesses as in his judgment should be and appear before the Grand Jury or before the courts on preliminary hearing or habeas corpus, and when called upon to do so by the Commissioner's Court, or any governing body of said county, to represent the County of Chilton in all litigation in which it is engaged.

The Deputy Solicitor shall be clothed with all other powers and shall be charged with all duties now given or imposed upon the deputy solicitor of said Chilton County, Alabama, by any laws now in force or hereafter to be prescribed by law for deputy solicitors it being the intention of this Act that said Deputy Solicitor shall prosecute all cases in which the deputy solicitor is required to prosecute.

It shall be the further duty of the deputy solicitor of Chilton County to aid and assist the sheriff and any other law enforcement officers of Chilton County, when called upon, in making any preliminary investigations of any crime or crimes committed in the County; The School Attendance officer or officers in the investigation of violations of School Attendance Laws; to aid and assist the Public Welfare Director and assistants, when called upon by them; and in the absence of the Judge and Clerk of the Chilton County Law and Equity Court of Chilton County, Alabama shall have the power to take oaths in support of complaint and to issue warrants in all criminal cases provided that such warrants shall be made returnable to the Court having original jurisdiction of the offense charged.

Section 5. That the Deputy Solicitor for Chilton County, Alabama shall receive a salary not less than \$2,400.00 per annum. to be paid out of the general fund of said County in 12 equal installments.

Section 6. The sections of this Act and the parts of each section are hereby declared to be independent sections and parts of sections, and the holding of any section or part thereof to be void, ineffective or unconstitutional shall not affect the other sections or parts thereof, it being now declared that the other parts or other sections would have been enacted regardless of any section or part of section which might be held unconstitutional, inoperative or ineffective.

Section 7. The Act of the Legislature creating the Office of County Solicitor of Chilton County, Alabama general and local law, regular session 1939 and special session 1939, Page 258 and local laws of the regular session 1949 Act to 209 is hereby repealed and said office is abolished. It is further provided that Lawrence F. Gerald, Jr., who was elected County Solicitor of Chilton County, Alabama, in November, 1954 and who took office the first Monday after the Second Tuesday in January, 1955, be appointed and serve as Deputy Solicitor until the first Monday after the second Tuesday in January, 1959, or until his successor is elected and qualified.

Section 8. All laws or parts of laws, both local and general, in conflict with the provisions of this Act are hereby repealed in so far as they relate to Chilton County.

Section 9. This Act shall go into effect upon its approval by the Governor.

Approved September 9, 1955.
Time: 12:35 P.M.

Act No. 498

H. 1026—Nettles, Oakley

AN ACT

To authorize and empower the sheriff of Wilcox County to appoint an additional deputy whose compensation shall be paid in part out of the general fund in the county treasury.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Wilcox County is hereby authorized and empowered to appoint a deputy in addition to all other deputies authorized by law, and to fix his compensation. The court of county commissioners, board of revenue, or like governing body of Wilcox County shall pay one hundred and fifty dollars per month of the total compensation of such deputy, out of the general fund in the county treasury. Such deputy shall have the power and authority of other deputies of the sheriff, but shall reside in and devote the major portion of his time in law enforcement work on the west side of the Alabama River.

Section 2. This Act shall become effective on the first day of the month commencing after the date of its enactment.

Approved September 9, 1955.

Time: 12:36 P.M.

Act No. 499

H. 1025—Shumate, Selman

AN ACT

To alter and extend the boundary lines and corporate limits of the City of Cordova in Walker County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the City of Cordova in Walker County, Alabama, are altered and extended to include therein and place within the corporate limits of said municipality all lands lying within the following described boundary lines:

Begin at the Southeast corner of Section 1, Township 15 South, Range 7 West, Walker County, Alabama; thence West along the South line of said Section for a distance of one-quarter mile; thence South to the South line of Section 12, Township 15, South, Range 7 West; thence East for a distance of four and one-fourth miles to the East line of Section 9, Township 15 South, Range 6 West; thence North to the point at which said East line of said Section intersects the Mulberry Fork of the Warrior River; thence North along the West bank of said Mulberry Fork of said river to the point where Cain Creek flows into the same; thence Northwesterly along the meanderings of said Cain Creek to the point where said creek intersects the West line of the SE $\frac{1}{4}$ Section 31, Township 14, South, Range 6 West; thence South to the South line of Section 6, Township 15 South, Range 6 West; thence West to the Southeast corner Section 1, Township 15 South, Range 7 West, the point of beginning.

Section 2. All laws in conflict herewith relating to the establishment of the corporate limits for the City of Cordova in Walker County, Alabama, are hereby repealed.

Section 3. This act shall become effective upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved September 9, 1955.

Time: 12:37 P.M.

Act No. 500

H. 1024—Perry, Meeks, Nice, Edwards
(Jefferson), V a c c a, Kaul,
Lackey

AN ACT

To alter or rearrange the boundary lines of the Town of Vestavia Hills, Alabama, so as to include within the corporate limits of said Town territory not already included therein.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the Town of Vestavia Hills, in Jefferson County, Alabama, be and the same are hereby extended, altered and rearranged by adding to the corporate limits as they now exist and including within the said corporate limits of said Town of Vestavia Hills, in addition to the present territory within the said corporate limits, the following described territory, to-wit:

The West half of the Northwest $\frac{1}{4}$ of Section 30, Township 18, South, Range 2 West: The North half of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 30, Township 18 South, Range 2 West: All of that part of the Northeast $\frac{1}{4}$ of Northeast $\frac{1}{4}$ of Section 30, Township 18 South, Range 2 West, lying west of the westerly right of way line of the Montgomery Highway consisting of lots 1 to 12, Block 21, and lots 1 to 12, Block 22, according to the survey of South Birmingham Heights and lots 1 and 2 Shades City: Also the Southeast $\frac{1}{4}$ of Northeast $\frac{1}{4}$ and the Northeast $\frac{1}{4}$ of Southeast $\frac{1}{4}$ of Section 25, Township 18 South, Range 3 West, Jefferson County, Alabama.

The Northeast $\frac{1}{4}$ of Northeast $\frac{1}{4}$ of Section 25, Township 18 South, Range 3 West and the East 981.0 ft. of the Northwest $\frac{1}{4}$ of Northeast $\frac{1}{4}$ of Section 25, Township 18 South, Range 3 West: All of the Southwest $\frac{1}{4}$ of Southeast $\frac{1}{4}$ of Section 24, Township 18 South, Range 3 West, lying South and Southeast of the center line of the Shades Crest Road: Also all of the Southeast $\frac{1}{4}$ of Southeast $\frac{1}{4}$ of Section 24, Township 18 South, Range 3 West, lying Southwest of the center line of the Universal Atlas Cement Company's power line right of way, Jefferson County, Alabama.

Section 2. That all laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. This act shall take effect on October 3, 1955.

Approved September 9, 1955.

Time: 12:38 P.M.

Act No. 501

H. 992—Ferrell

AN ACT

To provide for and require the reidentification of each qualified elector in DeKalb County, Alabama, and to require the Board of Registr-

ars in DeKalb County to take the necessary action to purge the limits of the qualified electors in DeKalb County and to authorize the employment of investigators to assist in purging such lists; and to provide that any person making a willfully false statement in connection with reidentification shall be guilty of perjury; to provide for transfer of certain duties pertaining to preparation of ballots, list of voters, supervision and control of voters' lists and expenses of same from the office of the Judge of Probate to the Board of Registrars; to provide for the appointment of a secretary for the board of Registrars, and to fix his compensation, method of appointment and to provide for other employees of the Board of Registrars; to fix the duties of the secretary of the Board of Registrars, and to provide for the payment of the compensation of the secretary of the board of Registrars and other employees of the Board from the general fund of DeKalb County, Alabama.

Be It Enacted by the Legislature of Alabama:

SECTION 1. The Board of Registrars in DeKalb County, Alabama, is hereby directed to purge all lists of the qualified electors in said county to the end that the names of all who are deceased or non-residents of DeKalb County or have otherwise become disqualified from voting therein shall be removed from such lists and to the end that the name of each qualified elector shall appear only on the list of qualified electors for the district and precinct in which he resides.

SECTION 2. The Board of Registrars in DeKalb County shall have authority to omit and remove from the lists of qualified electors in DeKalb County the name of any person who fails to reidentify himself to the Board of Registrars in one of the ways hereinafter provided. Any person removed from the lists of qualified electors as herein provided does not cease to be a qualified elector and shall not be subject to re-registration, but shall be subject only to the requirement that he reidentify himself as a duly registered elector before being entitled to be listed on the lists of qualified electors in such county.

SECTION 3. A voter may reidentify himself in any one of the following ways:

(a) He may reidentify himself by appearing in person at the office of the Board of Registrars and answering such questions and submitting such proof as may reasonably be required by the Board of Registrars or one of its duly authorized employees to establish his identity and place of legal residence and that he has not become disqualified from voting in such County.

(b) He may also reidentify himself by filling in and mailing to the office of the Board of Registrars the completed answers to such questions as may reasonably be propounded and mailed to him in a written questionnaire by the Board of Registrars. Such Questionnaire may contain such questions as are reasonably necessary to establish the identity of the person signing such questionnaire and the place of his legal residence and

that he has not become disqualified from voting in such county. All answers to such questionnaires shall be signed by the elector in the presence of at least two witnesses who are qualified electors of DeKalb County and who shall sign his answers as attesting witnesses.

SECTION 4. Any qualified elector in DeKalb County who shall have his name omitted or removed from the lists of qualified electors in DeKalb County by reason of his failure to reidentify himself as hereinabove provided or be otherwise purged therefrom shall be entitled to have his name restored to the lists of qualified electors by appearing in person and identifying himself in person at the office of the Board of Registrars or by answering in writing and signing a questionnaire prepared by the Board of Registrars, in the manner hereinabove provided.

SECTION 5. The Board of Registrars in DeKalb County shall meet as often as necessary subject to the approval of the governing body of DeKalb County, and on such dates as such Board may by order fix for the purpose of purging the lists of qualified electors of DeKalb County. Such Board may meet any number of days not exceeding thirty-five (35) per annum in excess of the maximum now provided by law for the purpose of purging such lists, and shall be entitled to the same per diem allowance, for meeting on such dates in excess of the maximum as now provided by law.

SECTION 6. Subject to the approval of the County Commission, Board of Revenue or other governing body in DeKalb County, the Board of Registrars shall have authority to employ such investigators as may be necessary to enable them to purge the voting lists. Any such employees shall be subject to the approval of the Board of Revenue or other governing body of DeKalb County.

SECTION 7. It shall be the duty of the Board of Registrars in DeKalb County to notify by mail each person whose name shall be removed from the lists of qualified electors, whether by purging or for failure of such elector to reidentify himself as herein provided, at his last known address as shown by the records of such Board.

SECTION 8. Any person who makes a willfully false statement in answers to reidentification questionnaires or in response to reidentification questions put to him or her by the Board of Registrars or any of its employees shall be guilty of perjury and upon conviction, shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

SECTION 9. The Board of Registrars shall have complete and exclusive power and control over the operation of the office

of the Board of Registrars in DeKalb County, and the Board of Registrars shall employ a Secretary, at not less than \$2400.00 per annum and not more than \$3600.00 per annum to be paid as may be determined by the Governing Body of DeKalb County, and all clerks and personnel of such Board, and the Board shall have the exclusive appointing authority of such secretary and personnel, all of whom shall serve at the pleasure of the Board of Registrars; and the Board of Registrars shall have the exclusive control and supervision of all records pertaining to registration and voting in DeKalb County, Alabama; shall prepare and furnish ballots at all elections, lists of voters, and shall keep a list of all names of registered voters registered by precincts and shall publish such lists as may now be required by law, and at all elections shall furnish the inspectors with a list of all voters showing the names of the qualified electors authorized to vote in said election; shall perform all the duties in relation to any of the matters and things described in this Section which are now conferred upon the Board of Revenue or other governing body of DeKalb County except as otherwise provided in this Act, or upon the Judge of Probate of DeKalb County, or upon any other officer, and such duties are hereby divested from such governing body, Judge of Probate or other official and are hereby conferred upon the DeKalb County Board of Registrars, and all records pertaining to said matters are hereby transferred to the Board of Registrars. All operating expense of the DeKalb County Board of Registrars, including salaries of said secretary and other employees, shall be subject to the approval of the governing body of DeKalb County and shall be paid out of the general fund of said county, and no expense incurred by the Board of Registrars or its employees shall be charged against, or become a liability of the county unless authorized by the Board of Revenue or other governing body of the County. Payrolls and vouchers for the payment of said salaries and expense shall be signed by the chairman of the Board of Registrars.

SECTION 10. For the purpose of carrying out the provisions of this Act, the Board of Registrars of DeKalb County may meet as often as may be necessary subject to the approval of the governing body of DeKalb County, in addition to the meeting days now permitted by law, but the expense of such additional meetings shall be paid by the Governing body of DeKalb County on claims as may be filed by the Chairman of said Board as provided in this Act. Provided, however, the said Board shall not meet for more than 120 days during the year of 1955; and each year thereafter not more than 30 additional days to that already authorized by law. And shall be entitled to the same per diem allowances for meeting on such dates in excess of the maximum as now provided by law, and shall be paid out of the general fund of DeKalb County. Payroll vouch-

ers for payment of said per diem shall be signed by the Chairman of the Board of Registrars, and verified by the members of the Board receiving such per diem, provided, however, no member of the Board of Registrars shall be paid for any day not actually served or attended by him on any meeting date provided in this Act.

SECTION 11. The DeKalb County Board of Revenue or other governing body of said County shall furnish to the Board of Registrars all the necessary supplies, and equipment and shall provide the said Board of Registrars with suitable cabinets to protect the records of the Board of Registrars, and shall provide the Board with adequate office space in the Court House, and all the records pertaining to the office of the Board of Registrars shall be open at all reasonable times to the public.

SECTION 12. Should any paragraph, section or part of this Act be held unconstitutional, it shall not affect any other portion, part, section or paragraph of said Act which would otherwise be valid.

SECTION 13. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.
Time: 12:40 P.M.

Act No. 502

H. 1008—McClendon, Hunt

AN ACT

To authorize the clerk of the circuit court of Chambers County to appoint a deputy clerk and register; regulating the compensation of such deputy and providing for the payment thereof out of the general fund in the county treasury; repealing Act No. 30, H. 160, approved June 27, 1947, (Local Acts of 1947, p. 24), as amended by an Act approved July 22, 1949 (Acts of 1949, p. 404).

Be It Enacted by the Legislature of Alabama:

Section 1. The clerk of the circuit court of Chambers County, Alabama, is hereby authorized and empowered to employ a deputy, if in his judgment that is necessary to the proper functioning of his office, such deputy to serve at the will and pleasure of the clerk, who shall fix his compensation at not less than fifteen hundred nor more than twenty-four hundred dollars per annum. The compensation of said deputy so appointed shall be paid out of the general fund of Chambers County, in equal monthly installments, on warrants drawn by the court of county commissioners, board of revenue, or like governing body of the county.

Section 2. The deputy appointed by the circuit clerk shall have full power to transact all business of the clerk in his capacity as clerk and register of the circuit court, after first taking an oath to support the Constitution and laws of this State.

Section 3. Act No. 30, H. 160, approved June 27, 1947, which provided for a clerk in the office of the circuit clerk of Chambers County (Local Acts of 1947, p. 24), as amended by Act No. 279, H. 800, approved July 22, 1949 (Acts of 1949, p. 404) is hereby expressly repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 12:41 P. M.

Act No. 503

H.J.R. 84—Selman

HOUSE JOINT RESOLUTION

Be It Resolved by the House of Representatives, the Senate Concurring: That Senate Bill 22, which has passed both houses, be known as the "Newton, Shumate, and Selman Bill."

Approved September 9, 1955.

Time: 12:42 P. M.

Act No. 504

H. 1010—Oden

AN ACT

Relating to the election of the Mayor of the City of Russellville, Alabama, by providing for a second or run-off election in the event no candidate for the office of Mayor receives in the first or regular election a majority of the votes cast therein.

Be It Enacted by the Legislature of Alabama:

Section 1. In any municipal election for the office of Mayor, held in the City of Russellville, Alabama, after the passage and approval of this Act, a majority of the votes cast in such election shall be a prerequisite to election of the Mayor.

Section 2. The City Council of the City of Russellville, Alabama, in canvassing the returns from a regular election in which there were two or more candidates for the office of Mayor, shall declare a candidate for said office elected, and shall issue to him a certificate only if he has received a majority of the votes cast for Mayor in such election. If, on canvassing

the returns no candidate for the office of Mayor received a majority of the votes cast for Mayor, the Council shall certify that fact, and shall order a second or run-off election to be held, not later than seven days after the date of the holding of the first or regular election, for the election of a Mayor. The two candidates receiving the largest or highest number of votes for Mayor in the first or regular election shall be candidates for the office of Mayor in the second or run-off election. No other person shall be a candidate in said second or run-off election. In the event one of the candidates for Mayor in the second or run-off election withdraws from the race by filing a written declaration of withdrawal in the office of the Clerk of said City, no second or run-off election shall be held for that office and the remaining candidate shall then have been elected and shall receive a certificate of election signed by the City Council, or a majority of the members thereof.

Section 3. This Act shall become effective on its passage and approval, or otherwise becoming a law.

Approved September 9, 1955.

Time: 12:43 P.M.

Act No. 505

H.J.R. 85—Goodwyn, Dawkins, Nolen,
McLendon, Fite.

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING: That the members of the Legislature have learned with deep regret of the death of the father of Representative H. James Hall, Mr. John Henry Hall, who died on the night of September 1, 1955, at the Bullock County Hospital in Union Springs; and the members of the Legislature do hereby extend their sincere sympathy to Representative Hall and his family for their great loss.

Approved September 9, 1955.

Time: 12:44 P.M.

Act No. 506

H. 1011—Stembridge

AN ACT

To amend Section 1 of Act No. 11 approved May 19, 1945 as amended by Act No. 274 approved August 8, 1947, as amended by Act No. 160 approved June 29, 1951, Entitled an Act: "To fix the compensation, salaries and allowances to be paid the Sheriff of Houston County, Alabama, to regulate the office of said Sheriff and to provide for deputies and other assistants to said Sheriff and the selection and appointment thereof, and the manner of fixing their compensation and to provide

for paying the same, to provide for the Board of Revenue to authorize additional deputies in an emergency and upon the request of the Sheriff and to fix their compensation and to provide for the payment of premiums of the bonds of the Sheriff and deputies and to authorize and empower and require the Board of Revenue of Houston County, or other body of like jurisdiction to provide and furnish the said Sheriff with necessary quarters, books, stationery, and other necessities and conveniences to said Sheriff of Houston County, to prohibit rebates of compensation allowed for deputies, clerical assistants and other expenses in said office and to provide the punishment therefor, and to prescribe when this act shall go into effect."

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of Act No. 11 approved May 19, 1945 as amended by Act No. 274 approved August 8, 1947, as amended by Act No. 160 approved June 29, 1951, entitled an Act: "To fix the compensation, salaries and allowances to be paid the Sheriff of Houston County, Alabama, to regulate the office of said Sheriff and to provide for deputies and other assistants to said Sheriff and the selection and appointment thereof, and the manner of fixing their compensation and to provide for paying the same, to provide for the Board of Revenue to authorize additional deputies in an emergency and upon the request of the Sheriff and to fix their compensation, and to provide for the payment of premiums of the bonds of the Sheriff and deputies and to authorize and empower and require the Board of Revenue of Houston County, or other body of like jurisdiction to provide and furnish the said Sheriff with necessary quarters, books, stationery and other necessities and conveniences to said Sheriff of Houston County, to prohibit rebates of compensation allowed for deputies, clerical assistants and other expenses in said office and to provide the punishment therefor, and to prescribe when this act shall go into effect," be and the same is hereby amended so as to read as follows: Section 1. That the Sheriff of Houston County, Alabama shall receive and be paid an annual salary of Fifty Four Hundred (\$5400) Dollars, in lieu of other compensation, fees and emoluments, except as otherwise hereinafter provided for in this Act. The said Sheriff shall be allowed the sum of Twenty Thousand and Five Hundred (\$20,500) dollars per annum for help and assistants as follows: One Chief deputy at Three Thousand Three hundred (\$3,300) Dollars per annum; Three deputies at Two Thousand Seven Hundred (\$2,700) Dollars each per annum; Three deputies who shall also serve as jailors at Two Thousand One Hundred (\$2,100) Dollars each per annum; and one bookkeeper-deputy at Twenty Four (\$2400) Dollars per annum. The Sheriff of Houston County shall further be allowed his necessary expenses in apprehending and returning prisoners from other States, up to and including four hundred (\$400) dollars per annum, said expense

money to be paid on requisition filed with and approved by the Board of Revenue of Houston County, Alabama. All payments as provided for in this Act shall be paid out of the general funds of Houston County, in equal monthly installments at the end of each month, upon separate warrants drawn in the same manner as employees of Houston County are paid. The selection and appointment of said deputies, jailers and bookkeeper shall be made by the Sheriff of Houston County, and they shall serve only at his pleasure.

Section 2. All laws or parts of laws in conflict herewith are hereby expressly repealed.

Section 3. This Act shall become effective on October 1, 1955 after its passage and approval by the Governor.

Approved September 9, 1955.
Time: 12:45 P. M.

Act No. 507

S.J.R. 85—Boutwell, Lamberth

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, both houses thereof concurring, That the members of the Legislature do hereby express their deep appreciation to the staff of the Legislative Reference Service for their prompt, courteous, and valuable assistance in the preparation of bills and factual reports for the members of the Legislature during and preceding the 1955 regular session of the Legislature.

Approved September 9, 1955.
Time: 12:46 P. M.

Act No. 508

S.J.R. 86—Boutwell, Lamberth

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, both houses thereof concurring: That the Legislature of Alabama hereby takes this means of expressing the appreciation of each member of the Legislature to the governing authority of the City of Montgomery, other city officers and employees, civic organizations, and citizens of Montgomery for the many courtesies and favors, and the warm hospitality, so generously accorded the members of the Legislature during this session of the Legislature.

Approved September 9, 1955.
Time: 12:47 P. M.

Act No. 509

S.J.R. 89—Boutwell, Lamberth

SENATE JOINT RESOLUTION

Both Houses thereof concurring: That the Legislature hereby expresses its appreciation of the expert advice and valuable assistance rendered the Legislature during this session by Raymond Fowler, Secretary-Treasurer of the Retirement Systems of the State of Alabama.

Approved September 9, 1955.

Time: 12:48 P. M.

Act No. 510

S. 359—Allen

AN ACT

To Extend and Enlarge the Boundaries of the Corporate Limits of the City of Cullman, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Corporate Limits of the City of Cullman, Alabama be, and the same are hereby, extended so as to include the following described real estate:

Beginning at a point on the present corporate limits of the City of Cullman where the Dripping Springs Road intersects the West line of Section 9, Township 10, Range 3, West, thence North along the said Section line to the Southwest corner of the Northwest quarter of the Northwest quarter, Section 9, Township 10, Range 3, West; thence East along the South line of the North-half of the Northwest quarter of said Section 9 to the southeast corner of the Northeast quarter of the Northwest quarter of Section 9, Township 10, Range 3, West; thence North along the East line of the Northeast quarter of the Northwest quarter to the Northeast corner of the Northeast quarter of the Northwest quarter of Section 9, Township 10, Range 3, thence West along the Section line to the Southwest corner of Section 4, Township 10, Range 3, West; thence North along the Section line to the Southwest corner of the Northwest quarter of the Northwest quarter of Section 4, Township 10, Range 3, West; thence East along the Section line of the North-half of the North-half of Section 4, Township 10, Range 3, West to the center line of U. S. Highway 31; thence Southwardly along the center line of U.S. Highway 31 to a point 161 feet South of the point where the South line of the Northwest quarter of the Southeast quarter of Section 4 intersects the center line of U. S. Highway 31; thence East and parallel with the South line of the Northwest quarter of the Southeast quarter of Section 4, Township 10,

Range 3, West to the West boundary line of the L & N Railroad Right-of-Way; thence Southwardly along the West boundary line of the L & N Railroad Right-of-Way to the present corporate limits; thence along the present corporate limits of the City of Cullman to the point of beginning.

Section 2. That all laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby, repealed.

Section 3. This Act shall take effect upon approval of the Governor.

Approved September 9, 1955.

Time: 12:50 P. M.

Act No. 511

S. 363—Robison

AN ACT

To alter or rearrange the boundary lines of the City of Montgomery, Alabama, so as to include within the corporate limits of said City territory not already included therein.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Montgomery, in the County of Montgomery, and State of Alabama, be and the same are hereby altered and rearranged so as to include within the corporate limits of said City all of that territory lying within the County of Montgomery and included in the following boundaries, to-wit:

Commencing at the Southeast corner, Sec. 9, T16N, R18E, Montgomery County, Alabama, thence North along the East line of said Sec. 9, a distance of 1632.5 feet to a point, said point being the point of beginning and, also, Southeast corner of the Plat of Forest Hills, Plat No. 1, thence West along the South boundary of the Plat of Forest Hills, Plat Nos. 1, 2 and 3, and Westerly along the extension of the South boundary of the said Plats 1, 2 and 3 of Forest Hills, to the half section line running North and South through the center of Sec. 9, T16N, R18E, thence North along said half section line running North and South through the center of Sec. 9, T16N, R18E, to the Northwest corner of the Southeast quarter of Sec. 9, T16N, R18E, thence East along the half section line running East and West through the center of Sec. 9, T16N, R18E to the East line of Sec. 9, T16N, R18E, thence South along the East line of Sec. 9, T16N, R18E, to the point of beginning.

Section 2. That all laws or parts of laws in conflict herewith are hereby repealed.

Approved September 9, 1955.
Time: 12:51 P. M.

Act No. 512

S. 364—Robison

AN ACT

To alter or rearrange the boundary lines of the City of Montgomery, Alabama, so as to include within the corporate limits of said City territory not already included therein.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Montgomery, in the County of Montgomery, and State of Alabama, be and the same are hereby altered and rearranged so as to include within the corporate limits of said City all of that territory lying within the County of Montgomery and included in the following boundaries, to-wit: Commence at the northeast corner of the southeast quarter of the southwest quarter of Section 25, Township 16, north, Range 17 east, which point is the intersection of the Montgomery City Limit and the center line of Cleveland Avenue, and also the point of beginning; thence travel west along the Montgomery City limit line to the intersection of the west boundary of the Atlantic Coastline Railroad right-of-way; thence southeasterly along the west boundary of the Atlantic Coastline Railroad right-of-way to the intersection of the north boundary of the Southern Bypass; thence east along the north boundary of the Southern Bypass to the intersection of the center line of Cleveland Avenue which line is also a Montgomery City limit boundary; thence north along said centerline of Cleveland Avenue back to the point of beginning.

Section 2. That all laws or parts of laws in conflict herewith are hereby repealed.

Section 3. This act shall become effective October 1, 1955.

Approved September 9, 1955.
Time: 12:52 P. M.

Act No. 513

S. 372—Flowers

AN ACT

To amend Section 1 of Act No. 11 approved May 19, 1945 as amended by Act No. 274 approved August 8, 1947, as amended by Act No. 160 approved June 29, 1951, Entitled an Act: "To fix the compensation, salaries and allowances to be paid the Sheriff of Houston County, Alabama, to regulate the office of said Sheriff and to provide for deputies and other assistants to said Sheriff and the selection and appointment

thereof, and the manner of fixing their compensation and to provide for paying the same, to provide for the Board of Revenue to authorize additional deputies in an emergency and upon the request of the Sheriff and to fix their compensation and to provide for the payment of premiums of the bonds of the Sheriff and deputies and to authorize and empower and require the Board of Revenue of Houston County, or other body of like jurisdiction to provide and furnish the said Sheriff with necessary quarters, books, stationery, and other necessities and conveniences to said Sheriff of Houston County, to prohibit rebates of compensation allowed for deputies, clerical assistants and other expenses in said office and to provide the punishment therefor, and to prescribe when this act shall go into effect."

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of Act No. 11 approved May 19, 1945 as amended by Act No. 274 approved August 8, 1947, as amended by Act No. 160 approved June 29, 1951, entitled an Act: "To fix the compensation, salaries and allowances to be paid the Sheriff of Houston County, Alabama, to regulate the office of said Sheriff and to provide for deputies and other assistants to said Sheriff and the selection and appointment thereof, and the manner of fixing their compensation and to provide for paying the same, to provide for the Board of Revenue to authorize additional deputies in an emergency and upon the request of the Sheriff and to fix their compensation, and to provide for the payment of premiums of the bonds of the Sheriff and deputies and to authorize and empower and require the Board of Revenue of Houston County, or other body of like jurisdiction to provide and furnish the said Sheriff with necessary quarters, books, stationery and other necessities and conveniences to said Sheriff of Houston County, to prohibit rebates of compensation allowed for deputies, clerical assistants and other expenses in said office and to provide the punishment therefor, and to prescribe when this act shall go into effect," be and the same is hereby amended so as to read as follows:

Section 1. That the Sheriff of Houston County, Alabama shall receive and be paid an annual salary of Fifty Four Hundred (\$5400) Dollars, in lieu of other compensation, fees and emoluments, except as otherwise hereinafter provided for in this Act. The said Sheriff shall be allowed the sum of Twenty Thousand and Five Hundred (\$20,500) Dollars per annum for help and assistants as follows: One Chief deputy at Three Thousand Three hundred (\$3,300) Dollars per annum; Three deputies at Two Thousand Seven Hundred (\$2,700) Dollars each per annum; Three deputies who shall also serve as jailers at Two Thousand One Hundred (\$2,100) Dollars each per annum; and one book-keeper-deputy at Twenty Four Hundred (\$2400) Dollars per annum. The Sheriff of Houston County shall further be allowed his necessary expenses in apprehending and returning prisoners

from other States, up to and including four hundred (\$400) dollars per annum, said expense money to be paid on requisition filed with and approved by the Board of Revenue of Houston County, Alabama. All payments as provided for in this Act shall be paid out of the general funds of Houston County, in equal monthly installments at the end of each month, upon separate warrants drawn in the same manner as employees of Houston County are paid. The selection and appointment of said deputies, jailers and bookkeeper shall be made by the Sheriff of Houston County, and they shall serve only at his pleasure.

Section 2. All laws or parts of laws in conflict herewith are hereby expressly repealed.

Section 3. This Act shall become effective on October 1, 1955 after its passage and approval by the Governor.

Approved September 9, 1955.

Time: 12:55 P. M.

Act No. 514

H.J.R. 89—Kelly

HOUSE JOINT RESOLUTION

Be It Resolved by the House of Representatives, the Senate Concurring: That House Bill 17, which has passed both houses, be known as the "Kelly, Davis, Adams, Albea, Ashworth, Bassett, Branyon, Brassell, Brewer, Broadfoot, Brooks, Brown (Lamar), Burkhalter, Callahan, Cox, Dawkins, deGraffenried, Dement, Edwards (Escambia), Faulk, Ferrell, Fite, Gist, Gregory, Grouby, Hall, Hanby, Hare, Harrison, Hodges, Holliman, Huddleston, Hunt, Jenkins, Johnson (Elmore), Johnson (Tallapoosa), Lackey, Law, Lee (Barbour), Lee (Lawrence), Love, McClendon, McKay, McNider, Martin, Mathews, Mathison, Meeks, Money, Murphy, Oden, Payne, Pirkle, Ramey, Reynolds, Roberts, Shumate, Simon, Solomon, Speaks, Steagall, Stembridge, Stokes, Taylor, Thomas, Tyson, Vacca, Ward, Windle, Allen, Cantrell, Dyar, Eddins, Flowers, Goodwin, Grisham, Lamberth, Leonard, Little, Metcalf, Newton, Reeves, Roberts, Shelton, Smith, Van Antwerp, and Vann Bill."

Approved September 9, 1955.

Time: 12:56 P. M.

Act No. 515

H.J.R. 90—Meeks

HOUSE JOINT RESOLUTION

WHEREAS, the Honorable George C. Hawkins has rendered outstanding service in the Legislature of Alabama as a member

of the House, Speaker Pro Tem, Chairman of Ways and Means Committee and as Floor Leader; and

WHEREAS, the Honorable George C. Hawkins has been signally honored in having been elected a Fellow in the International Academy of Trial Lawyers, an organization which limits its membership to five hundred of the world's leading trial lawyers.

BE IT RESOLVED by the House, the Senate concurring, that the Legislature of Alabama extends its heartiest congratulations to the Honorable George C. Hawkins upon his being elected a Fellow in the International Academy of Trial Lawyers.

Approved September 9, 1955.

Time: 12:58 P. M.

Act No. 516

H. 584—Harrison

AN ACT

To provide for and authorize for any municipality in the State the incorporation of a board, as a public corporation, for the purpose of acquiring, owning, easing, equipping, improving, maintaining, and enlarging a medical clinic within the municipality; to provide for the powers, authority, and duties of such board; to authorize each such board to borrow money and issue revenue bonds, payable solely from the rentals and other revenues derived from the medical clinic or its facilities financed by such bond issue; to authorize the board to pledge its rentals and other revenues for the payment of such bonds; to regulate the issuance, sale, and refunding of such bonds and other matters in connection therewith; to exempt from taxation the properties acquired under authority of this Act and the rentals thereof, the bonds and income therefrom, mortgages executed as security therefor, and lease agreements made hereunder, and all documents executed by or delivered to any corporation organized hereunder; to provide that the bonds issued by such boards shall be legal investments for savings banks and insurance companies organized under the laws of Alabama; and to prescribe the purposes for which the proceeds derived from the sale of such bonds may be used.

Be It Enacted by the Legislature of Alabama:

Section 1. Whenever any number of natural persons, not less than three, shall file with the governing body of any municipality of this State an application in writing for authority to incorporate a public corporation for the purpose of acquiring, owning, and leasing a medical clinic, and clinical facilities, within the municipality, and if it shall be made to appear to such governing body that each of said persons is a duly qualified elector of and owner of property in said municipality, and if the governing body of said municipality shall adopt a resolution, which shall be duly entered upon the minutes of such governing body, wherein it shall be declared that it is wise, expedient and

necessary that such a corporation be formed, and that the persons filing said application shall be authorized to proceed to form such corporation, then said persons shall proceed to organize such a corporation by executing and filing for record, in the office of the judge of probate of the county or one or more of the counties in which such municipality is located, a certificate of incorporation as herein provided. No corporation shall be formed hereunder unless the application provided for herein shall be made and unless the resolution herein provided for shall be adopted.

Section 2. The certificate of incorporation of any corporation organized under this Act shall state: The name of the corporation, which shall be a name indicating the purpose for which the corporation is organized [e. g., "The Medical Clinic Board of the City (or Town) of"], the location of its principal office and the post office address thereof; the period for the duration of the corporation (if the duration is to be perpetual, this fact should be stated); and the objects for which the corporation is organized. The certificate of incorporation may also contain any provisions not contrary to law which the incorporators may choose to insert for the regulation and conduct of the affairs of the corporation. The certificate of incorporation shall be acknowledged before an officer authorized by the laws of this State to take acknowledgment of deeds. When so acknowledged, the certificate shall be filed in the office of the judge of probate of the county or one of the counties in which such municipality is located, and said judge of probate shall forthwith file such certificate and record the same and thereupon the applicants shall constitute a corporation under the name stated in the certificate of incorporation.

Section 3. Each corporation formed under this Act shall have a board of directors which shall constitute the governing body of the corporation, which board shall consist of three members who shall serve without compensation, except that they shall be reimbursed for actual expenses incurred in and about the performance of their duties hereunder, and, at the discretion of the board of directors, they may be paid a director's fee of \$10 for each director's meeting attended by them not exceeding a total of one hundred twenty dollars (\$120) per member per year. No member of the board of directors shall be an officer of the municipality. The directors of the corporation shall be elected by the governing body of the municipality, and they shall be so elected that they shall hold office for staggered terms. The first term of office of one director shall be two years, of another director shall be four years, and of a third director shall be six years, as shall be designated at the time of their election, and thereafter the term of office of each director shall be six years.

Section 4. Each corporation formed under this Act shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form: To have succession by its corporate name for the duration of time (which may be in perpetuity) specified in its certificate of incorporation; to sue and be sued and to defend suits against it; to make use of a corporate seal and to alter it at pleasure; to acquire, whether by purchase, construction, or gift a medical clinic and the facilities necessary to its operation; to equip, maintain, enlarge, or improve such medical clinic; to lease all or any part of the clinic for such rental and upon such terms and conditions as its board of directors may deem advisable and as shall not conflict with the provisions of this Act; to issue its revenue bonds for the purpose of defraying the cost of acquiring, constructing, maintaining, enlarging, improving, or equipping such clinic and its facilities, and to secure the payment of such bonds, as hereinafter provided; to enter into contracts and agreements or do any act necessary for or incidental to the performance of its duties and the execution of its powers under this Act; to accept gifts from any source whatsoever; to appoint and employ such officers and agents, including attorneys, as its business may require; to provide for such insurance as its board of directors may deem advisable.

Section 5. All bonds issued by a corporation organized under authority of this Act shall be solely and exclusively obligations of the corporation and shall not create an obligation or debt of any municipality. No municipality shall pledge its faith or credit for the payment of any debt incurred or bonds issued by such corporations. Such bonds may be executed and delivered at any time and from time to time, may be in such form and denominations, may be of such tenor, may be in registered or bearer form either as to principal or interest or both, may be payable in such installments and at such time or times not exceeding thirty years from their date, may be payable at such place or places, may bear interest at such rate or rates payable at such place or places, may bear interest at such rate or rates payable at such place or places and evidenced in such manner, and may contain such provisions not inconsistent herewith, all as may be provided by resolution of its board of directors. The bonds issued by any corporation organized hereunder shall be signed by the chairman of its board of directors or other chief executive officer and attested by its secretary, and the seal of such corporation shall be affixed thereto. Any interest coupons applicable to the bonds of such corporation shall be signed by the chairman of the board of directors or other chief executive officer, but a facsimile of such signature may be impressed on any such interest coupon in lieu of his manually signing the coupon. Any bonds issued under the authority of this Act may be sold at public or private sale in such manner and from time to time

as may be determined by the board of directors to be most advantageous, and the corporation may pay all expenses, premiums and commissions which its board of directors may deem necessary or advantageous in connection with the authorization, sale and issuance thereof. All bonds issued under the authority of this Act and all interest coupons applicable thereto shall be construed to be negotiable instruments, despite the fact that they are payable solely from a specified source. When the principal of and the interest on any bonds of such corporation payable from the revenues derived from the operation of a clinic owned by such corporation shall have been paid in full, then such clinic shall thereupon become the property of the municipality which authorized the incorporation of such corporation and title to the clinic and its facilities shall thereupon immediately vest in such municipality. When title to all property owned by any corporation organized under the provisions of this Act shall have vested in the municipality which authorized the incorporation thereof, then such corporation shall thereupon stand dissolved, even though the duration of the corporation as stated in the articles of incorporation has not terminated. Upon the dissolution of such corporation, the governing body of the municipality which authorized the incorporation of the corporation shall cause to be filed in the office of the judge of probate of the county in which the certificate of incorporation is filed a certificate containing a statement of the dissolution of the corporation. The formation and dissolution of one or more corporations under the provisions of this Act shall not prevent the subsequent formation hereunder of another corporation.

Section 6. The principal of and interest on any bonds issued by a corporation organized under the authority of this Act shall be secured by a pledge of the rentals and other receipts of all or any part of the medical clinic and its facilities financed in whole or in part with the proceeds of such bond issue or with the proceeds of bonds refunded or to be refunded by such issue, may be secured by a mortgage covering all or any part of the clinic from which the revenues so pledged may be derived, and may be secured by a pledge of the lease of such clinic. The proceedings under which such bonds are authorized to be issued or any such mortgage may contain any agreements and provisions customarily contained in instruments securing bonds, including, without limiting the generality of the foregoing, provisions respecting the fixing and collection of rents for any clinic or clinical facilities covered by such proceedings or mortgage, the terms to be incorporated in the lease of such clinic or facilities, the creation and maintenance of special funds from the revenues from such clinic or facilities, and the rights and remedies available in event of default to the bondholders or to the trustee under a mortgage, all as the board of directors shall deem advisable and as shall not be in conflict with the

provisions of this Act; provided, however, that in making any such agreements or provisions a corporation organized under this Act shall not have the power to obligate itself except with respect to the medical clinic and the application of the revenues therefrom. The proceedings authorizing any bonds hereunder and any mortgage securing such bonds may provide that, in the event of default in payment of the principal of or the interest on such bonds or in the performance of any agreement contained in such proceedings or mortgage, such payment and performance may be enforced by mandamus or by the appointment of a receiver in equity with power to charge and collect rents and to apply the revenues from the project in accordance with such proceedings or the provisions of such mortgage. Any such mortgage may provide also that, in the event of default in such payment or the violation of any agreement contained in the mortgage, the mortgage may be foreclosed either by sale at public outcry or by proceedings in equity, and may provide that any trustee under such mortgage or the holder of any of the bonds secured thereby may become the purchaser at any foreclosure sale if the highest bidder therefor.

Section 7. Prior to the leasing of the medical clinic or clinical facilities, the board of directors must determine and find the following: the amount necessary in each year to pay the principal of and the interest on the bonds proposed to be issued to finance such clinic; the amount necessary to be paid each year into any reserve funds which the board of directors may deem it advisable to establish in connection with the retirement of the proposed bonds and the maintenance of the clinic; and, unless the terms under which the clinic or its facilities, is to be leased provided that the lessee shall maintain the clinic and carry all proper insurance with respect thereto, the estimated cost of maintaining the clinic in good repair and keeping it properly insured. The determinations and findings of the board of directors required to be made in the preceding sentence shall be set forth in the proceedings under which the proposed bonds are to be issued; and the corporation shall lease the clinic or its facilities to a lessee or lessees, under an agreement providing for payment to the corporation of such rentals as, upon the basis of such determinations and findings, will be sufficient (a) to pay the principal of and interest on the bonds issued to finance the clinic, (b) to build up and maintain any reserves deemed by the board of directors to be advisable in connection therewith, and (c) unless the agreement of lease obligates the lessee to pay for the maintenance and insurance of the clinic, to pay the costs of maintaining the clinic in good repair and keeping it properly insured. Any revenues derived from the operation of the clinic, over and above the amounts necessary to meet the charges hereinabove specified, may be applied to the payment of the principal of and the interest on the

bonds issued to finance the clinic, or for other expenditures in connection with maintaining, expanding, operating, or equipping the clinic, at the discretion of the board of directors.

Section 8. Any bonds issued by a corporation organized hereunder and at any time outstanding may at any time and from time to time be refunded by the corporation by the issuance of its refunding bonds in such amount as the board of directors may deem necessary but not exceeding an amount sufficient to refund the principal of the bonds so to be refunded, together with any unpaid interest thereon and any premiums and commissions necessary to be paid in connection therewith. Any such refunding may be effected whether the bonds to be refunded shall have then matured or shall thereafter mature, either by sale of the refunding bonds and the application of the proceeds thereof for the payment of the bonds to be refunded thereby, or by exchange of the refunding bonds for the bonds to be refunded thereby; provided, that the holders of any bonds so to be refunded shall not be compelled without their consent to surrender their bonds for payment or exchange prior to the date on which they are payable or, if they are called for redemption, prior to the date on which they are by their terms subject to redemption. Any refunding bonds issued by a corporation organized under the authority of this Act shall be payable solely from the revenues out of which the bonds to be refunded thereby were payable, and shall be subject to the provisions contained in Section 5 of this Act and may be secured in accordance with the provisions of Section 6 of this Act.

Section 9. The proceeds from the sale of any bonds issued by a corporation organized under authority of this Act shall be applied only for the purpose for which the bonds were issued; provided, however, that any accrued interest and premium received in any such sale shall be applied to the payment of the principal of or the interest on the bonds sold; and provided, further, that if for any reason any portion of such proceeds shall not be needed for the purpose for which the bonds were issued, then such unneeded portion of said proceeds shall be applied to the payment of the principal of or the interest on said bonds. The cost of acquiring any medical clinic shall be deemed to include the following: the actual cost of the construction of any part of a building which may be constructed, including architect's and engineer's fees; the purchase price of any land or any part of a building, or any clinical facilities that may be acquired by purchase; all expenses in connection with the authorization, sale and issuance of the bonds to finance such acquisition; and the interest on such bonds for a reasonable time prior to construction, during construction, and for not exceeding six months after completion of construction.

Section 10. Bonds issued under the provisions of this Act

shall be legal investments for savings banks and insurance companies organized under the laws of this State.

Section 11. The bonds authorized by this Act and the income therefrom, all mortgages executed as security therefor, all lease agreements made pursuant to the provisions hereof, and all property and the revenue derived from any lease thereof shall be exempt from all taxation in the State of Alabama. All deeds, mortgages, trust agreements, articles of incorporation, and other documents executed by or delivered to any corporation incorporated under the provisions of this Act shall be exempt from all state, county, municipal, and other taxation in the State of Alabama.

Section 12. If any section, clause, provision or portion of this Act shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, or provision of this Act which is not in and of itself unconstitutional.

Section 13. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 1:00 P.M.

Act No. 517

H. 806—Harrison

AN ACT

To amend further Section 380 of Title 13, Code of Alabama (1940), which relates to the appointment and compensation of clerks of juvenile courts in certain counties.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 380 of Title 13, Code of Alabama (1940), as amended, is amended further to read as follows:

“The judge of the juvenile court may appoint as clerk of the court any probation officer or a clerk for the probate court. The judge may also appoint as deputy clerk of the court any other probation officer or clerk of the probate court. Such clerk and deputy shall receive no additional remuneration for their services to the juvenile court; provided, that in all counties having a population of not less than 18,675 nor more than 19,150 inhabitants, according to the most recent federal census, such clerk and deputy shall be entitled to receive a salary of six hundred dollars per annum to be paid out of the general fund of the county in equal monthly installments; and provided further, in all counties having a population of not less than 29,400 nor more than 30,650, according to the last or any

subsequent federal decennial census, such clerk or deputy may receive such additional compensation for services in the juvenile court as the court of county commissioners, board of revenue, or like county governing body may provide."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 1:10 P.M.

Act No. 518

H. 1013—Brewer, Gilchrist

AN ACT

To amend further Sections 1 and 3 of Act No. 361, H. 878 (Local Acts of Alabama, 1939, p. 248), which fixed the compensation or salary to be paid the Tax Assessor of Morgan County, provided clerical assistance, supplies and equipment for his office, and prescribed certain duties of the tax assessor.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 361, H. 878 (Local Acts of Alabama, 1939, p. 248), as amended, which fixed the compensation or salary to be paid the Tax Assessor of Morgan County, provided clerical assistance, supplies and equipment for his office, and prescribed certain duties of the tax assessor, is amended further to read as follows:

"Section 1. The salary of the Tax Assessor of Morgan County, Alabama, shall be five thousand four hundred dollars (\$5,400.00) per year, and shall be paid out of the County Treasury of Morgan County, in equal monthly installments, at the end of each month."

Section 2. Section 3 of Act No. 361, H. 878 (Local Acts of Alabama, 1939, p. 248), as amended, which fixed the compensation or salary to be paid the Tax Assessor of Morgan County, provided clerical assistance, supplies and equipment for his office, and prescribed certain duties of the tax assessor, is amended further to read as follows:

"Section 3. The Board of Revenue and Control, or like governing body of Morgan County, Alabama, is required, authorized and empowered to provide sufficient equipment, clerks, deputies and other assistants to the tax assessor, but the tax assessor shall select such clerks, deputies and assistants and fix their compensation, but the combined salaries or compensation of such clerks, deputies, and assistants selected by him shall not exceed five thousand dollars (\$5,000.00) per annum. The tax assessor shall have the right to discharge such clerks,

deputies, and assistants at will, as they shall serve only at his pleasure. The salaries or compensation of the clerks, deputies and assistants shall be paid in equal semimonthly installments out of the general funds of Morgan County, upon separate warrants drawn in the same manner as other employees of Morgan County are paid. In addition to the foregoing allowance the Board of Revenue and Control, or like governing body of Morgan County, shall pay for all necessary traveling expenses for annual trips over the county as required by law, but the tax assessor shall furnish all necessary drawings, maps, registers and plats as required by law, including land and lot books provided for by sections 66 and 67 of Title 51 of the Code of Alabama of 1940, and the books, commonly known as 'Tax Abstract,' provided for by section 65 of Title 51 of the Code of Alabama of 1940, without compensation, charges, or expense to Morgan County, for the same, or the preparation of the same. The compensation of the clerks and assistants shall be paid in semimonthly installments upon their filing with the chairman of the board of written claims therefor, the correctness of which shall be verified by the oath or affirmation of the tax assessor and of the clerk or assistant making such claim. The Board of Revenue and Control of Morgan County shall have authority to raise and lower the allowance for the clerks, deputies and other assistants to the tax assessor from time to time as conditions may warrant, not to exceed however the sum of five thousand dollars (\$5,000.00) per annum."

Section 3. Section 1 of this Act shall become effective upon the expiration of the term of the incumbent tax assessor of Morgan County, in accordance with the provisions of Amendment XCII to the Constitution of Alabama. Section 2 of this Act shall become effective October 1, 1955.

Approved September 9, 1955.
Time: 1:25 P.M.

Act No. 519

H. 1014—Gilchrist, Brewer

AN ACT

To amend further Sections 1 and 3 of Act No. 464, H. 879, approved September 15, 1939 (Local Acts of Alabama, 1939, p.278), which fixed the compensation or salary to be paid the tax collector of Morgan County, provided clerical assistance, supplies and equipment for the conduct of his office, and prescribed certain duties of the tax collector.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 464, H. 879, approved September 15, 1939 (Local Acts of Alabama, 1939, p. 278), as amended, which fixed the compensation or salary to be paid the tax collector of Morgan County, provided clerical assistance,

supplies and equipment for the conduct of his office, and prescribed certain duties of the tax collector, is amended further to read as follows:

"Section 1. The salary or compensation of the Tax Collector of Morgan County, Alabama, shall be Five Thousand Four Hundred Dollars (\$5,400.00) per annum, and said annual salary shall be paid out of the county treasury of Morgan County, in equal monthly installments, at the end of each month."

Section 2. Section 3 of Act No. 464, H. 879, approved September 15, 1939 (Local Acts of Alabama, 1939, p. 278), as amended, which fixed the compensation or salary to be paid the tax collector of Morgan County, provided clerical assistance, supplies and equipment for the conduct of his office, and prescribed certain duties of the tax collector, is amended further to read as follows:

"Section 3. The Board of Revenue and Control or like governing body of Morgan County, Alabama, is required, authorized and empowered to provide sufficient equipment, clerks, deputies and other assistants to the tax collector, but the tax collector shall select such clerks, deputies and assistants and shall fix their compensation, but the combined salaries or compensation of such clerks, deputies, and assistants selected by him shall not exceed five thousand dollars (\$5,000.00) per annum. The tax collector shall have the right to discharge such clerks, deputies and assistants at will, as they shall serve only at his pleasure. **The salaries or compensation of the clerks, deputies and assistants shall be paid in equal semimonthly installments out of the general funds of Morgan County, upon separate warrants drawn in the same manner as other employees of Morgan County are paid.** In addition to the foregoing allowance the Board of Revenue and Control, or like governing body, of Morgan County, shall pay for all necessary traveling expenses for annual trips over the county as required by law, but the tax collector shall furnish all necessary reports, registers, and lists of qualified voters as required by law, without additional charge or compensation therefor. The compensation of the clerks and assistants shall be paid in semimonthly installments upon their filing with the chairman of the board of written claims therefor, the correctness of which shall be verified by the oath or affirmation of the tax collector and of the clerk or assistant making such claim. The Board of Revenue and Control of Morgan County shall have authority to raise and lower the allowance for the clerks, deputies and other assistants to the tax collector from time to time as conditions may warrant, not to exceed, however, the said sum of five thousand dollars (\$5,000.00) per annum."

Section 3. Section 1 of this Act shall become effective upon the expiration of the term of the incumbent tax collector of Morgan County, in accordance with the provisions of Amendment XCII to the Constitution of Alabama. Section 2 of this Act shall become effective October 1, 1955.

Approved September 9, 1955.

Time: 1:26 P.M.

Act No. 520

H. 1015—Brewer, Gilchrist

AN ACT

To amend further Sections 1 and 4 of Act No. 70, H. 346, approved May 28, 1943 (Local Acts of Alabama, 1943, p. 34), which placed the judge of probate of Morgan County, Alabama, on a salary, provided clerical assistance, office supplies and equipment for his office, and prescribed certain duties of the probate judge.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 70, H. 346, approved May 28, 1943 (Local Acts of Alabama, 1943, p. 34), as amended, which placed the judge of probate of Morgan County on a salary, provided clerical assistance, office supplies and equipment for his office, and prescribed certain duties of the probate judge, is amended further to read as follows:

“Section 1. The Judge of Probate of Morgan County, Alabama, shall receive an annual salary of Eight Thousand Five Hundred Dollars (\$8,500.00). Such salary shall be in lieu of all other compensation, commissions, allowances, fees, costs, percentages and emoluments to such office, except as herein otherwise provided.”

Section 2. Section 4 of Act No. 70, H. 346, approved May 28, 1943 (Local Acts of Alabama, 1943, p. 34), as amended, which placed the judge of probate of Morgan County on a salary, provided clerical assistance, office supplies and equipment for his office, and prescribed certain duties of the probate judge, is amended further to read as follows:

“Section 4. The Board of Revenue and Control of Morgan County, Alabama, or other like governing body of the county, shall provide the judge of probate with the necessary books, records, equipment, furniture, fixtures, stationery, postage, and other supplies, and with sufficient clerks and assistants. The judge shall have the authority to select and employ and discharge at will his clerks and assistants, and to fix their compensation, but the total compensation of such clerks and assistants shall not exceed such sum as the Board of Revenue and Control or other county governing body shall allow therefor, not to exceed the sum of fourteen thousand three hundred

dollars (\$14,300.00) per annum. The board shall have authority and it shall be its duty to make an allowance for such compensation and to raise and lower the same from time to time, subject to the maximum of fourteen thousand three hundred dollars (\$14,300.00), as conditions and circumstances may warrant."

Section 3. Section 1 of this Act shall become effective upon the expiration of the term of the incumbent Judge of Probate of Morgan County, in accordance with the provisions of Amendment XCII to the Constitution of Alabama. Section 2 of this Act shall become effective October 1, 1955.

Approved September 9, 1955.

Time: 1:27 P.M.

Act No. 521

H. 1016—Gilchrist, Brewer

AN ACT

To amend Section 1 of Act No. 68, H. 263, approved July 7, 1947 (Local Acts of Alabama, 1947, p. 51), which provided for the appointment of a deputy register for the circuit court of Morgan County and the Morgan County Court of Morgan County, and prescribed the duties and fixed the compensation of the deputy register.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 68, H. 263, approved July 7, 1947 (Local Acts of Alabama, 1947, p. 51), which provided for the appointment of a deputy register for the circuit court of Morgan County and the Morgan County Court of Morgan County, and prescribed the duties and fixed the compensation of the deputy register, is amended to read as follows:

"Section 1. The register of the circuit court of Morgan County and of the Morgan County Court of Morgan County shall appoint a deputy register and a clerical assistant for such courts. The deputy register shall possess all the powers and authority, both ministerial and judicial, not now or hereafter possessed by the register by whom the deputy register is appointed. The compensation of the deputy register and the clerical assistant shall be fixed by the register and shall be paid in equal monthly installments out of the general fund of the county, but the combined compensation of the deputy register and the clerical assistant provided herein shall not exceed four thousand dollars (\$4,000.00) per annum."

Section 2. This Act shall become effective October 1, 1955.

Approved September 9, 1955.

Time: 1:28 P.M.

Act No. 522

H. 1017—Brewer, Gilchrist

AN ACT

To amend Act No. 436, H. 938, approved August 17, 1951 (Acts of Alabama, 1951, p. 789), which fixed the compensation of the county superintendent of education of Morgan County, Alabama

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 436, H. 938, approved August 17, 1951 (Acts of Alabama, 1951, p. 789), which fixed the compensation of the county superintendent of education of Morgan County, Alabama, is amended to read as follows:

"The county superintendent of education of Morgan County, Alabama, shall receive a salary of six thousand five hundred dollars (\$6,500.00) per annum. Such salary shall be paid by the county board of education of Morgan County at the same time and in the same manner provided by general laws of this State for the payment of salaries of county superintendents of education."

Section 2. This Act shall become effective upon the expiration of the term of the incumbent county superintendent of education of Morgan County, in accordance with the provisions of Amendment XCII to the Constitution of Alabama.

Approved September 9, 1955.

Time: 1:29 P.M.

Act No. 523

H. 1018—Gilchrist, Brewer

AN ACT

For the relief of James Maxwell of Morgan County: Authorizing and directing the court of county commissioners, board of revenue, or like county governing body of Morgan County to appropriate out of any funds in the county treasury not otherwise appropriated the sum of Seven Hundred Fifty Dollars (\$750.00) to compensate James Maxwell for personal injuries suffered by him while acting within the line and scope of his employment with the county, leaving him permanently partially disabled.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or like governing body of Morgan County, Alabama, is hereby authorized and directed to appropriate out of any funds in the county treasury not otherwise appropriated the sum of Seven Hundred Fifty Dollars (\$750.00) to be paid as compensation to James Maxwell for personal injuries suffered by him while acting within the line and scope of his employment with the county leaving him permanently partially disabled.

Section 2. This Act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 1:30 P.M.

Act No. 524

H. 1019—Brewer, Gilchrist

AN ACT

To amend Sections 1 and 2 of Act No. 437, H. 937, approved August 17, 1951 (Acts of Alabama, 1951, p. 789), which fixed the compensation of the chairman and members of the Board of Revenue and Control of Morgan County.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1 and 2 of Act No. 437, H. 937, approved August 17, 1951 (Acts of Alabama, 1951, p. 789), which fixed the compensation of the chairman and members of the Board of Revenue and Control of Morgan County, are amended to read as follows:

"Section 1. The members of the Board of Revenue and Control of Morgan County, Alabama, shall each receive an annual salary of four thousand two hundred dollars (\$4,200.00), to be paid in equal monthly installments on the second Monday in each month, in addition to the mileage now allowed them by law for attending regular meetings of said board.

"Section 2. The chairman of the Board of Revenue and Control of Morgan County, Alabama, shall receive as compensation for his services an annual salary of six thousand two hundred dollars (\$6,200.00), to be paid in monthly installments on the second Monday in each month."

Section 2. This Act shall become effective upon the expiration of the terms of the incumbent members of the Board of Revenue and Control of Morgan County, in accordance with the provisions of Amendment XCII to the Constitution of Alabama.

Approved September 9, 1955.

Time: 1:31 P.M.

Act. No. 525

H. 1020—Gilchrist, Brewer

AN ACT

Relating to Morgan County; fixing the compensation of the chief deputy sheriff of Morgan County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The chief deputy sheriff of Morgan County, Alabama, shall receive a salary of three thousand six hundred

dollars (\$3,600.00) per annum, payable in equal monthly installments out of the general fund of the county.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective October 1, 1955.

Approved September 9, 1955.

Time: 1:33 P.M.

Act No. 526

H. 1021—Brewer, Gilchrist

AN ACT

To amend Section 1 of Act No. 64, H. 259, approved July 7, 1947 (Local Acts of Alabama, 1947, p. 45), which provided for the appointment of a deputy clerk for the circuit court of Morgan County and the Morgan County Court of Morgan County, and prescribed the duties and fixed the compensation of the deputy clerk.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 64, H. 259, approved July 7, 1947 (Local Acts of Alabama, 1947, p. 45), which provided for the appointment of a deputy clerk for the circuit court of Morgan County and the Morgan County Court of Morgan County, and prescribed the duties and fixed the compensation of the deputy clerk, is amended to read as follows:

"Section 1. The clerk of the circuit court of Morgan County and of the Morgan County Court of Morgan County shall appoint a deputy clerk and a clerical assistant for such courts. The deputy clerk shall possess all the powers and authority, both ministerial and judicial, now or hereafter possessed by the circuit clerk by whom the deputy clerk is appointed. The compensation of the deputy clerk and the clerical assistant shall be fixed by the circuit clerk and shall be paid in equal monthly installments out of the general fund of the county, but the combined compensation of the deputy clerk and the clerical assistant provided herein shall not exceed four thousand dollars (\$4,000.00) per annum."

Section 2. This Act shall become effective October 1, 1955.

Approved September 9, 1955.

Time: 1:35 P.M.

Act No. 527

H. 1022—Gilchrist, Brewer

AN ACT

To amend Section 1 of Act No. 424, H. 868, approved August 27, 1953 (Acts of Alabama, 1953, p. 525), which authorized the Board

of Revenue and Control of Morgan County, Alabama, to provide the sheriff of the county with deputies and jailers and to fix their compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 424, H. 868, approved August 27, 1953 (Acts of Alabama, 1953, p. 525), which authorized the Board of Revenue and Control of Morgan County, Alabama, to provide the sheriff of the county with deputies and jailers and to fix their compensation is amended to read as follows:

"Section 1. The Board of Revenue and Control of Morgan County, Alabama, is hereby authorized and directed to provide the sheriff of the county with sufficient deputy sheriffs in addition to his chief deputy and jailers to enable him to properly perform the duties of his office. In no event shall the number of deputies be less than three in addition to the chief deputy. The Board of Revenue and Control shall fix the compensation of such additional deputies at not less than two hundred fifty dollars (\$250.00) per month and shall provide for the payment thereof out of the general fund of the county. The Board of Revenue and Control shall also fix the compensation of the jailers and shall provide for the payment thereof out of the general fund of the county."

Section 2. This Act shall become effective October 1, 1955.

Approved September 9, 1955.

Time: 1:36 P.M.

Act No. 528

S. 8—Allen, Cantrell, Grisham
and Lamberth

AN ACT

To amend further Section 15 of Title 30, Code of Alabama (1940), which relates to the remuneration of clerks of jury commissions, raising the per diem of such clerks from five to ten dollars a day.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 15 of Title 30, Code of Alabama (1940), as amended, is amended further to read as follows:

"In counties having sixty thousand population or less by the last federal census preceding the employment, the clerk of the circuit court may be employed as the clerk of the jury commission and in such counties the clerk of the jury commission whether he be the clerk of the court or not, shall be paid for his services rendered under the direction of the jury commission the sum of ten dollars per day while actually engaged in performing his duties, to be paid out of the county treasury upon

the order of the president of the jury commission. In counties having more than sixty thousand and less than two hundred thousand population according to the last or any subsequent federal census, the commission shall employ a clerk who shall hold no other office during the term of his employment and who shall be paid for his services rendered under the direction of the jury commission, the sum of ten dollars per day while actually engaged in performing his duties, to be paid out of the county treasury upon the order of the president of the jury commission. In counties having more than two hundred thousand population according to the last or any subsequent federal census, the jury commission in any such county shall have authority to employ such clerical assistance as such commission deems necessary and proper, and may expend for such clerical assistance in compensation and in paying their reasonable and necessary expense in performing the duties of their employment a sum not to exceed four hundred and fifty dollars per month to be paid out of the county treasury upon the order of the president of the jury commission. In counties having a population of sixty thousand, or less, according to the last preceding federal census, the clerk of the jury commission shall not receive more than six hundred dollars as compensation for his service in any one year."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 1:38 P.M.

Act No. 529

S. 25—Eddins

AN ACT

To establish the Alabama Stonewall Jackson Memorial Fund; to set forth the purposes for which such fund is to be established; to set up a board of trustees to administer the fund; to make an appropriation of twenty thousand dollars (\$20,000.00) to said fund.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created and established the Alabama Stonewall Jackson Memorial Fund, which fund is to be composed of the monies hereinafter appropriated in this Act, together with any accruals from the income from the fund or repayments thereto. The purpose of this fund is to memorialize that great American and Confederate General, "Stonewall" Jackson, through a program of education initiated by Stonewall Jackson Memorial, Incorporated, including both essay contests and scholarships. The benefits of this fund shall accrue only to Alabamians.

Section 2. There is hereby created a board of trustees, who shall serve without pay or personal expenses, to administer the Alabama Stonewall Jackson Memorial Fund. The trustees shall be the Alabama State Superintendent of Education, the Director of the Alabama Department of Archives and History, and the President of the Stonewall Jackson Memorial, Incorporated. This board of trustees shall be vested with the power to administer this Act in its entirety; to prescribe the rules and regulations governing the essay contests and the awarding of scholarships from the Alabama Stonewall Jackson Memorial Fund. They are hereby directed to receive the appropriation hereinafter made, and to designate a bank in Alabama as a depository for the fund, and are further directed to invest said fund in such sound securities as they deem advisable in line with good business procedure; and they are expressly prohibited from spending any part of the principal of this fund, it being the intent of this Act that only the income from said fund shall be used in carrying out the purposes of the Act. The board of trustees shall require, insofar as possible, the repayment of all scholarship funds by the recipients thereof, under such terms as circumstances may justify, and any money so repaid shall become part of the principal of the fund.

Section 3. There is hereby appropriated from the general fund in the State Treasury, the sum of twenty thousand dollars (\$20,000.00). This appropriation shall be the sole appropriation to this fund, and nothing in this Act shall be construed so as to make the appropriation an annual one.

Section 4. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.
Time: 1:40 P.M.

Act No. 530

S. 307—Bradford

AN ACT

To amend Section 1 of Act No. 169 of the Regular Session of the Legislature of 1945, (General Acts of Alabama, 1945, Page 285, Section 1, effective August 22, 1945), as amended, by including within the definition of a producer as is defined in sub-section (d) of said section any person who assembles or causes to be assembled any forest products for shipment out of the State of Alabama in an unmanufactured condition.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of an Act designated as Act No. 169 of the Regular Session of the Legislature of Alabama of 1945, approved June 23, 1945, and said Act as amended,

and particularly Sub-section (d) of said section, be and the same is hereby amended to read as follows:

Section 1. "Definitions. — The following words, terms and phrases, when used in this Act, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: (a) The term 'person' includes any individual, firm, co-partnership, association, corporation, receiver, trustee, or any other group or combination acting as a unit and the plural as well as the singular number. (b) The term 'department' means the department of revenue of the State of Alabama. (c) The word 'taxpayer' means any person liable for taxes hereunder. (d) The word 'producer' means any person engaging or continuing to engage in this State in the business of severing timber, or any other forest products from the soil, whether as owner, lessee, concessionaire or contractor; and such definition of a producer shall also include any person who assembles or causes to be assembled any forest product for shipment out of the State of Alabama in an unmanufactured condition. (e) The term 'forest products' means logs, timber, pulp wood, chemical wood, bolts, cross ties and switch ties, mine ties, coal mine props, ore mine props, poles, piles, turpentine (crude gum) and stumpwood (tar wood). (f) The word 'sever' means to fell, cut or otherwise separate from the soil. Provided, for the purpose of this Act, any person who is the owner or lessee of timber, and is also the processor thereof or a manufacturer of products derived therefrom, shall be deemed the person engaged in severing such timber from the soil notwithstanding the fact that the severance is made by an independent contractor or otherwise. (g) The term 'commissioner' means the Commissioner of Revenue of the State of Alabama. (h) The term 'manufacturer' means: as applied to forest products suitable for manufacture into lumber, the person who operates the sawmill or plant in which such products are so manufactured into lumber; as applied to pulp wood, chemical wood and bolts, the person who operates the paper mill, chemical plant, or other plant in which such forest products are processed; as applied to cross ties and switch ties, mine ties and props, poles and piles, the person who purchases from the producer; as applied to turpentine, the person who processes or cooks the crude gum, as applied to stumpwood, the person who operates the plant or retort in which such product is processed. (i) The term 'concentration yard' means a place where lumber is bought or received within the State of Alabama in a green or rough form or condition for manufacturing, or for processing, or for resale".

Section 2. If any clause, sentence, paragraph or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not

affect, impair or invalidate the remainder of this Act; but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which judgment has been rendered.

Section 3. This Act shall become effective immediately after the approval of same by the Governor or same otherwise becoming a law.

Approved September 9, 1955.

Time: 1:41 P.M.

Act No. 531

S. 336—Reeves

AN ACT

To amend Act No. 46, H. 36, approved April 7, 1955, which regulates the sale of eggs and provides for the inspection and grading thereof.

Be It Enacted by the Legislature of Alabama:

Section 2 of Act No. 46, H. 36, approved April 7, 1955, entitled "An Act To regulate the sale of eggs in Alabama by requiring accurate labeling of containers in which eggs are sold; to require accurate labeling of such egg containers with respect to the grade and weight classes of eggs contained therein and to authorize the State Board of Agriculture and Industries to establish reasonable standards, grades of quality and weight classes for the sale of eggs; to levy and collect an inspection fee upon the sale of eggs and to require egg dealers to obtain a permit from the Commissioner of Agriculture and Industries before engaging in the sale of eggs; to make an appropriation to defray costs and expenses incident to the administration and enforcement of this Act; to authorize the adoption of rules and regulations for the execution of this Act and to provide exemptions of the sale of eggs from this Act; prescribe a penalty for violations together with other administrative and enforcement provisions; to repeal Article 15 of Title 2, Code of Alabama of 1940," is amended to read as follows:

"Section 2. **SALE REQUIREMENTS.** It shall be unlawful (a) for any dealer to offer for sale or sell any case of eggs, or partial case of eggs, without clearly imprinting thereon, or securely attaching thereto, a label on which there shall be plainly and legibly printed the name and address of the packer of said eggs, the grade and weight class to which the eggs contained therein conform, the date on which the eggs were graded. The label, together with the printed matter required to appear thereon shall be of a size to be prescribed by regulations adopted by the State Board of Agriculture and Industries.

(b) For any dealer to offer for sale or sell eggs in any carton or other type of package without clearly designating

thereon the name and address of the packers, or person responsible for such packing, the grade and weight class to which the eggs contained therein conform, together with the date on which the eggs were graded. Grade and weight class designations required on cartons or other packages shall be in letters of a size to be prescribed by regulations adopted by the State Board of Agriculture and Industries.

(c) For any dealer to offer for sale or sell eggs in bulk (not in cases, cartons, packages or other containers) from any open case, box, basket, crate or other receptacle holding such eggs in bulk without displaying conspicuously on every such receptacle a placard or heavy cardboard not smaller than seven inches by seven inches in size on which there shall be legibly and plainly printed the grade and weight class to which the eggs contained therein conform in letters not smaller than one inch in height; provided, however, any retail merchant who sells or offers for sale not more than 120 dozen eggs in any one week may sell or offer for sale such eggs without complying with the requirements hereof with respect to grade and weight class only if such retail merchants display conspicuously upon every receptacle holding eggs offered for sale in bulk a placard or heavy cardboard not smaller than seven inches by seven inches in size on which there shall be plainly printed the word "Farm Eggs" in letters not smaller than one inch in height, provided, further, all such eggs sold or offered for sale are purchased by such retail merchant directly from the producer thereof.

(d) For any dealer or other person to offer eggs for sale by means of any newspaper advertisement, circular, window displays, radio, television, or other form of advertising, when the price of eggs offered for sale is designated without plainly designating in such advertisements the grade and weight class to which the eggs so advertised and offered for sale, conform.

(e) For any dealer or other person to use the term "Alabama" in connection with the advertisement and sale of eggs not produced in this State.

(f) For any dealer or other person to use the word or words "fresh", "Strictly fresh", "hennery eggs," "country," "locally produced," "dayold," "select," "guaranteed," "certified," or any other similar descriptive terms in connection with the advertising or sale of any eggs, unless such eggs meet the standard minimum requirements for consumer Grade A eggs or consumer Grade AA eggs as such grades are prescribed under the provision of this Act.

(g) For any dealer or other person to sell or offer for sale eggs not fit for human food as such eggs are defined under

grades and standards established by the State Board of Agriculture and Industries under the provisions of this Act.

(h) For any dealer to sell or offer for sale eggs unless the grade and weight class designation stated on the label, placard, sign, or advertisement correctly states the grade and weight class to which the eggs conform.

(i) For any dealer to sell or offer for sale eggs unless such dealer has a permit as required under Section 6 of this Act.

(j) For any dealer to sell or offer for sale eggs in violation of any rule or regulation adopted and promulgated under the provisions of this Act.

Approved September 9, 1955.
Time: 1:45 P.M.

Act No. 532

S. 338—Boutwell, Robison, Reeves

AN ACT

To amend Section 728 of Title 51, Code of Alabama (1940), as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 728 of Title 51, Code of Alabama (1940), as amended, is amended to read as follows:

“Section 728. Discounts allowed for handling stamps; when bond furnished stamps may be consigned. — The department of revenue is hereby authorized and directed to have prepared and distributed stamps suitable for denoting the tax on all articles enumerated herein. Any person, firm, corporation, or association of persons, other than the department of revenue, who sells tobacco tax stamps, not affixed to tobacco sold and delivered by them, whether the said stamps be genuine or counterfeit, shall be guilty of a felony and punishable as set out in Section 734 of this title. When wholesalers or jobbers have qualified as such with the Department of Revenue as provided in Section 730 of this title, and desire to purchase stamps as prescribed herein for use on taxable tobaccos sold and delivered by them, the Department of Revenue shall allow on such sales of tobacco tax stamps a discount of seven and one-half percent (7½%) on the entire amount of the sale. Provided, that where wholesalers or jobbers are entitled to purchase stamps at a discount as herein provided, instead of the Department of Revenue selling such stamps to such jobbers or wholesalers for cash, it may consign such stamps, if and when such wholesaler or jobber shall give to the Department of Revenue a good and sufficient bond executed by some surety company authorized to do business in this State, conditioned to

secure the payment for the stamps so consigned when and as they are used on manufactured tobacco products by such wholesaler or jobber. Every wholesaler or jobber purchasing stamps on consignment as described herein, shall be required to make a full and complete accounting and remittance on or before the twentieth of each month for all stamps used on taxable tobaccos during the preceding month. Every wholesaler or jobber refusing or failing to comply with this section shall forfeit the commission or discount on stamps used which he failed or refused to account or remit for in the time allowed, and in addition shall be charged interest on such delinquent amount for each day delinquent at the rate of eight percent per annum."

Section 2. This Act shall become effective the first day of the month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 1:46 P.M.

Act No. 533

S. J. R. 88—Boutwell, Lamberth

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING: That the members of the Legislature express their thanks and appreciation to James V. Jordan, Budget Officer of the State of Alabama, for the valuable advice and assistance which he has rendered the Legislature, its members and committees, during the current session of the Legislature.

Approved September 9, 1955.

Time: 1:48 P.M.

Act No. 534

H. J. R. 92—Dawkins

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that the Acts and the Journals of the three previous Special Sessions of 1955 be bound respectively with the Acts and Journals of this Regular Session of 1955.

Approved September 9, 1955.

Time: 1:50 P.M.

Act No. 535

H. J. R. 93—Dawkins

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that the Secretary of the Senate, the Clerk of the House, the Secretary of State and the doorkeepers of the House and Senate be and they are hereby relieved of any responsibility for the Codes, Supplements and other books furnished to the members of the Legislature.

Approved September 9, 1955.

Time: 1:51 P.M.

Act No. 536

H. J. R. 95—Dawkins

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE, THE SENATE CONCURRING, that the Brown Printing Company, and especially Mr. Herbert Nation, Executive Vice President thereof, be extended the thanks of this Legislature for the most efficient and capable manner in which the printing of documents of the Legislature has been performed.

Approved September 9, 1955.

Time: 1:52 P.M.

Act No. 537

H. 960—Hawkins

AN ACT

To provide further for financing the operation of schools and educational institutions; to authorize the Alabama Public Schools Corporation, organization of which is provided for in Article 10, Chapter 10, Title 52, Alabama Code of 1940, to borrow money in behalf of certain state educational agencies and institutions and in evidence of the borrowing to sell and issue interest bearing notes or warrants payable solely out of the current appropriation from the Alabama State Educational Trust Fund to the agency or institution for which any such borrowing shall be made; to authorize said corporation to pledge for payment of any such note or warrant the proceeds of the current appropriation out of which such note or warrant is payable; to specify the priority in lien of any such notes and warrants; to specify the restrictions, conditions and limitations subject to which such notes and warrants may be issued and such pledges made; and to provide that such notes and warrants and the interest thereon shall be exempt from taxation in this state, and that such notes and warrants shall be eligible to secure deposits of state funds.

Be It Enacted by the Legislature of Alabama:

Section 1. The Alabama Public Schools Corporation, organization of which is provided for in Article 10 of Chapter 10 of Title 52 of the Code of Alabama of 1940, and which is herein referred to as "the corporation", is hereby authorized and em-

powered, during any fiscal year beginning with the fiscal year commencing October 1, 1955, to borrow money and to issue interest bearing notes or warrants in evidence of such borrowing, in behalf of any state agency or institution to which or for the use of which an appropriation from the Alabama Special Educational Trust Fund shall have been made for the then current fiscal year, in anticipation of the proceeds of such appropriation; provided, that any such note or warrant shall be issued only upon the request of the agency or institution in behalf of which such note or warrant shall be issued. Any such note or warrant shall have a stated maturity not later than the end of the fiscal year during which it is issued. The principal of and the interest on any note or warrant issued hereunder shall be payable solely from the proceeds of the appropriation in anticipation of which such note or warrant is issued and the corporation shall have the authority to pledge for payment of such principal and interest the proceeds of such appropriation. The principal of and interest on any note or warrant issued hereunder in any fiscal year shall constitute a prior lien on the appropriation from the Alabama Special Educational Trust Fund for the same fiscal year to or for the agency or institution in behalf of which such note or warrant was issued; and such liens shall take priority over each other in the order in which they are created. The total amount of the principal of any notes and warrants issued in anticipation of the appropriation from said fund to or for any such state agency or institution outstanding at any one time shall not exceed forty per centum of the total appropriation to or for that agency or institution from the Alabama Special Educational Trust Fund for the then current fiscal year; and the total principal of and interest on any notes or warrants issued by the corporation and outstanding at any one time in anticipation of the appropriation from said fund to or for any such agency or institution shall not exceed ninety per centum of the portion of such appropriation for the then current fiscal year that then remains unpaid. Any such notes and warrants may be sold by the corporation at public or private sale; the principal thereof and the interest thereon shall be exempt from all taxation in the State of Alabama; such notes and warrants shall be eligible as security for deposit of state funds; and they shall be signed in the name of the corporation by its president and attested by its secretary, who shall affix thereto the official seal of the corporation. The purchaser of any note or warrant issued hereunder must pay for securing any legal opinion desired by such purchaser. No note or warrant issued hereunder shall be a debt or obligation of the State of Alabama, nor shall the general faith and credit of the State of Alabama be pledged to the payment of any such note or warrant. The holder of any note or warrant issued hereunder shall look for payment of the principal thereof and the interest

thereon solely to the funds actually appropriated from the Alabama Special Educational Trust Fund to or for the use of the agency or institution in behalf of which such note or warrant is issued.

Section 2. All laws or parts of laws which conflict with this Act are to be extent of such conflict repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 1:54 P.M.

Act No. 538

H. 85—Harrison, Fite

AN ACT

Relating to judicial procedure; providing for a three-judge special court to hear and determine applications for injunctions restraining the enforcement, operation, or execution of orders or decisions of the Alabama Public Service Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. An interlocutory or permanent injunction restraining the enforcement, operation, or execution of an order or decision of the Alabama Public Service Commission shall not be granted by any circuit judge unless the application therefor is heard and determined by a special court of three judges provided for as follows.

Section 2. The circuit judge to whom application is made shall notify immediately the Chief Justice of the Supreme Court, who shall forthwith designate three circuit judges, residing in different congressional districts, to serve as judges of the special court.

Section 3. In any case in which an application for an interlocutory injunction is made, the judge to whom the application is made may, at any time, grant a temporary restraining order to prevent irreparable damage. The order, unless previously revoked by the judge, shall remain in force only until the hearing and determination by the special court. It shall contain a special finding, based upon evidence submitted to such judge and identified by reference thereto, that irreparable damage will result if the order is not granted.

Section 4. Any one of the three judges of the special court may perform all functions, conduct all proceedings except the trial, and enter all orders required or permitted. A single

judge shall not appoint a master or order a reference, or hear and determine any motion to dismiss the action, or enter a summary or final judgment. The action of a single judge shall be revisable by the full court at any time before final judgment. Each of the judges so appointed shall receive an expense allowance in the amount of twenty dollars (\$20.00) per day for each day actively engaged in the trial of any case provided for hereunder plus mileage allowed state employees, which sums shall be in addition to any other salary allowed to said judges by law. Provided further that the expense allowance provided for hereunder shall be in lieu of any other expense allowance provided for circuit judges.

Section 5. All laws or parts of laws which conflict with this Act are repealed. But nothing herein contained shall be construed as a repeal of Sections 94-101, inclusive, of Title 48, Code of Alabama (1940).

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 1:55 P.M.

Act No. 539

H. 62—Fite

AN ACT

Authorizing the creation of a public corporation within any county in the State which shall have the power to construct, lease, own and operate projects for irrigation and other purposes, sell water and have certain other powers and duties; prescribing the means and fixing the responsibility for the issuance of permits to the Corporation for construction and operation of projects and fixing the responsibility regarding compliance with the terms of the permit; authorizing the issuance of revenue bonds, and revenue refunding bonds, payable from the revenues of such projects, to pay the costs of such projects; making such bonds exempt from taxation and constituting them legal investments in certain instances; providing that no debt of the State or any political subdivision thereof shall be incurred in the exercise of any of the powers granted by this Act; granting such corporations the right of eminent domain; and prescribing penalties for the violation of certain provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of any county of this State is hereby authorized to declare, by the adoption of an appropriate resolution, the need for the formation of a County Water Conservation and Irrigation Corporation, or other such corporation as herein provided for. Upon the adoption of such resolution the governing body shall appoint five persons, each of whom must be a duly qualified elector and property owner

in the county, who shall form the board of directors of such corporation and shall proceed to organize such corporation.

Section 2. The certificate of incorporation of the corporation shall state: The names of the persons forming the corporation together with the residence of each thereof and a statement that each of them is a duly qualified elector of and property owner in the county; the name of the corporation; the location of its principal office, which shall be in the county seat of the county; and any other matters relating to the corporation which the incorporators may choose to insert and which shall not be inconsistent with this Act or with the laws of the State. The name designated for the corporation in the certificate of incorporation shall be one indicating the purpose thereof, such as ".....County Water Conservation and Irrigation Corporation" or some other name of similar import. The certificate of incorporation shall be signed and acknowledged by the incorporators before an officer authorized by the laws of the State to take acknowledgements of deeds, and the certificate of incorporation shall have attached thereto a certified copy of the resolution provided for in Section 1, and a certificate by the Secretary of State that the name proposed for the corporation is not identical with that of any other corporation in the State or so nearly similar thereto as to lead to confusion and uncertainty.

Section 3. The certificate of incorporation with the documents attached shall be filed with the Judge of Probate of the county and the Secretary of State, who shall forthwith receive and record the same. When such certificate is so filed the corporation referred to therein shall come into existence and shall constitute a body corporate and politic, vested with the rights and powers herein granted.

Section 4. All powers of the corporation shall be exercised by the board of directors or pursuant to its authority. The directors shall be elected by the governing body of the county for staggered terms of office as follows: two years, three years, four years, five years, and six years; and thereafter the term of office of each director shall be six years. If any director resigns or dies or becomes incapable of acting as a director or ceases to reside in the county, the governing body shall elect a successor to serve for the unexpired term. Directors shall be eligible for re-election by the county governing body to succeed themselves in office. A majority of the members of the board shall constitute a quorum for the transaction of business. The corporation shall have a president, a vice-president, a secretary, and a treasurer, but the office of secretary and treasurer may be held by the same person. All officers shall be elected by the board. The members of the board and the officers shall serve without compensation, except that they

may be reimbursed for actual expenses incurred in the performance of their duties. All proceedings of the board shall be reduced to writing by the secretary of the corporation and recorded in a well bound book. Copies of such proceedings, when certified by the secretary of the corporation under its seal, shall be received in all courts as evidence of the matters and things therein certified.

Section 5. A corporation organized and established under the provisions of this Act shall have the following powers, subject only to the limitations described in Section 6 following:

a. To adopt bylaws for the regulation of its affairs and the conduct of its business.

b. To adopt an official seal and alter the same at pleasure.

c. To maintain a principal office at the county seat, and sub-offices at such place or places within the county as it may designate.

d. To sue and be sued in its own name.

e. To enter into contracts and agreements or do any act necessary or incidental to the performance of its duties and execution of its powers under this Act.

f. To acquire, hold and dispose of real and personal property or any interests therein.

g. To provide a water supply by impounding a stream or by development and use of wells by either construction, lease, or purchase.

h. To develop and operate an irrigation project, including the facilities necessary thereto, either by construction, lease, or purchase.

i. To provide for the control of floods by impounding surplus water or by other means to the extent that such work is economically feasible and desirable and not opposed to the need of water for irrigation.

j. To provide for multiple purpose developments where such are feasible and not in conflict with need of water for irrigation use, including developments for water power and water for municipal and industrial uses.

k. To establish rates for water and power sold to irrigators, municipalities, industries, and other customers, and authorize collection therefor, such rates to be determined on the basis of the revenue required to operate and maintain the development and for amortization of bonded indebtedness.

l. To issue revenue bonds and refunding bonds in accordance with the provisions of this Act.

m. To promulgate such rules and regulations as may be required for the reasonable and efficient conduct of its business.

n. To enter into agreements and contracts with agencies of the Federal Government in relation to any project or work undertaken or proposed by the corporation.

o. To enter into agreements or contracts relating to irrigation with other similar corporations for the development of a common water shed where development for water power is not included. Provided, however, that any such agreements must receive the prior approval of the Director of the State Department of Conservation.

p. To accept gifts from any source whatever.

q. To have and exercise the right of eminent domain in the manner provided in Title 19, Code of Alabama 1940, as amended, for the condemnation of private properties for public use.

Section 6. Before any construction work on any project may be undertaken by any corporation created under the terms of this Act, said corporation shall apply to the Director of the State Department of Conservation for a permit authorizing the proposed development. The corporation shall furnish with the application for permit the following information: preliminary plans consisting of maps, plats, plans and drawings, showing the general features of the development or developments it proposes to make, with amount of water which will be required as related to the naturally available supply, the land areas, and, if a multiple purpose project, the other clients which will benefit from the development, and such other details as may be needed to make clear the extent and scope of the project. The said Director shall make or have made a study of the water needs of the project as compared to the available supply and as related to the existing or anticipated needs of other water users in the basin who may be affected by the proposed development, making use of such studies or open public hearings as may, in his judgment, be required. Based on his findings, authority to develop as proposed or as modified for the purpose of protecting and conserving water supplies for others shall be granted. It shall further be the duty of the said Director to systematically check into the construction and operation of projects for which permits have been granted to ascertain if corporation is complying with the terms and conditions of the permit. In the event any corporation is found not to be complying with the terms and conditions of the permit issued by said Director, said Director forthwith shall notify the corporation in writing in what manner the terms and conditions of the permit are being violated and said corporation shall have thirty days after receipt of said notice to rectify or correct whatever violations are being committed. In the event corrections are not made at the end of the

thirty day period or any extension of time which the said Director shall have the authority to give, the Director shall make application in proper form to the Circuit Court in the county or counties in which such violation is located for a court order making mandatory the correction which he deems necessary.

Section 7. In the event that a State agency other than the State Department of Conservation may hereafter be charged with such responsibility as is in this Act charged to the State Department of Conservation, the terms "Director", "said Director" or "Director of the State Department of Conservation" wherever used in this Act shall be construed to mean the executive head of the State agency so charged.

Section 8. Any such corporation is hereby authorized to provide by resolution for the issuance of bonds of the corporation for any of its corporate purposes, including the refunding of its bonds. The principal of and the interest on any issue of such bonds shall be payable solely from, and may be secured by a pledge of, tolls, rentals, sales receipts and other revenues of all or any part of the project or projects financed in whole or in part with the proceeds of such bond issue or with the proceeds of bonds refunded or to be refunded by such issue. The proceeds of any such bonds may be used or pledged for the payment or security of the principal or of the interest on bonds, and for the establishment of any or all reserves for such payment or security, or for other corporate purposes as the corporation may authorize in the resolution authorizing the issuance of bonds or in the trust agreement securing the same. The bonds of each issue shall be dated; shall bear interest not in excess of six per cent per annum; shall mature at such time or times, not exceeding forty (40) years from their date or dates, as may be determined by the corporation; and may be made redeemable before maturity, at the option of the corporation, at such price or prices, and under such terms and conditions, as may be fixed by the corporation prior to the issuance of the bonds. The amount of premium on any bond shall not cause the yield to be more than six per cent per annum from the date of such bonds to the date of their redemption. The corporation shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the State. The bonds shall be signed by the president of the corporation or shall bear his facsimile signature; and the official seal of the corporation or a facsimile thereof shall be impressed, imprinted, engraved, or otherwise reproduced thereon. The official seal or a facsimile thereof shall be attested by the secretary of the corporation, or shall bear his facsimile signature and any coupons attached thereto shall

bear the facsimile signature of the president of the corporation. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if he had remained in office until such delivery. All bonds issued under the provisions of this Act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the State. The bonds may be issued in coupon or in registered form, or both, as the corporation may determine; and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the re-conversion into coupon bonds of any bonds registered as to both principal and interest. The corporation may sell such bonds in such manner and for such price, as it may determine to be for the best interest of the corporation.

The corporation shall have power from time to time, in anticipation of the issuance of bonds, to issue notes, and from time to time to issue renewal notes maturing not later than three years from their respective dates, in an amount not exceeding the amount of bonds issued under the provisions of this Act. The authorization and issuance of such notes, the interest thereon, the rights of the holders thereof, and the rights, duties, and obligations of the corporation in respect thereto, shall be governed by the provisions of this Act with respect to the issuance of bonds, insofar as the same may be applicable.

The corporation may, out of any funds available therefor, purchase notes or bonds, which shall thereupon be cancelled, at not more than the redemption price then applicable, or, if not then redeemable, at a premium of not more than one per cent of their face amount, plus accrued interest to the date of purchase.

Neither the members of the corporation nor any person executing the notes or bonds shall be personally liable on the notes or bonds, or be accountable by reason of the issuance thereof in accordance with the provisions of this Act.

The proceeds of the bonds of each issue shall be disbursed in such manner and under such restrictions as the corporation may provide in the resolution authorizing the issuance of the bonds, or in the trust agreement, hereinafter mentioned, securing the bonds.

Prior to the preparation of definitive bonds, the corporation may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are avail-

able for delivery. The corporation may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost. Bonds may be issued under the provisions of this Act without obtaining the consent of any department, division, commission, board, bureau, or agency of the State, and without any other proceedings of the happenings of any other conditions or things than those proceedings, conditions, or things which are specifically required by this Act.

Section 9. The corporation may provide by resolution for the issuance of refunding bonds for the purpose of refunding any bonds then outstanding which shall have been issued under the provisions of this Act, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and, if deemed advisable by the corporation, for the additional purpose of constructing improvements, extensions or enlargements of the project or projects in connection with which the bonds to be refunded shall have been issued. The corporation is further authorized to provide by resolution for the issuance of its bonds for the combined purpose of (a) refunding any bonds then outstanding which shall have been issued under the provisions of this Act, including the payment of any redemption premium thereof and any interest accrued or to accrue to the date of redemption of such bonds, and (b) paying all or any part of the cost of any additional project or projects. The issuance of such bonds, the maturities and other details thereof, the rights of the holders thereof, and the rights, duties and obligations of the corporation in respect to the same, shall be governed by the provisions of this Act insofar as the same may be applicable.

Section 10. At the discretion of the corporation, any bonds issued under the provisions of this Act may be secured by a trust agreement by and between the corporation and a corporate trustee, which may be any trust company, or bank having the powers of a trust company, within or without the State. The trust agreement, or the resolution providing for the issuance of such bonds (subject to the provisions of Section 6 of this Act), may pledge or assign tolls, rentals, sales receipts, or other revenues to which the corporation's right then exists or which may thereafter come into existence, and the moneys derived therefrom, and the proceeds of such bonds; provided, however, that the trust agreement or resolution shall not convey or mortgage any project or any part thereof. Such trust agreement or provisions for protecting and enforcing the rights and remedies resolution providing for the issuance of bonds, may contain such of the corporation in relation to the acquisition of property and violation of law, including: Covenants setting forth the duties of the bondholders as may be reasonable and proper and not in the construction, improvement, maintenance, repair, operation,

and insurance of the project or projects; the rates of tolls, rentals, sales receipts, and other revenues to be charged; the payment, security, or redemption of bonds, and the custody, safeguarding, and application of all moneys; and provisions for the employment of consulting engineers in connection with the construction or operation of such project or projects. It shall be lawful for any bank or trust company incorporated under the laws of this State which may act as depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the corporation. Any trust agreement or resolution may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual rights of action by bondholders. In addition to the foregoing, any trust agreement or resolution may contain such other provisions as the corporation may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of any trust agreement may be treated as a part of the cost of the operation of the project or projects.

Any pledge of tolls, rentals, sales receipts, other revenues, or moneys made by the corporation shall be valid and binding from the time the pledge is made. The tolls, rentals, sales receipts, other revenues, or moneys so pledged and thereafter received by the corporation, except that part of the tolls, rentals, sales receipts, other revenues, or moneys which are necessary to maintain the project or projects in good operating condition, or to pay the reasonable operating expenses of the corporation, or any judgment rendered against it, shall immediately be subject to the lien of the pledge without any physical delivery thereof or further act; and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the corporation, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the corporation. If such trust agreement should be offered for record it shall be filed and recorded without the payment of the mortgage tax required by Article 2, Chapter 20, Title 51, Code of Alabama, 1940. The corporation may, at its discretion, enter into any supplement to such trust agreement, which supplement shall be governed, so far as may be, by the same provisions of this Act as are applicable to the trust agreement.

Section 11. Bonds issued by the corporation under the provisions of this Act are hereby made securities in which the State and all political subdivisions of this State, their officers, boards, commissions, departments, or other agencies, all banks, bankers, savings banks, trust companies, savings and loans associations, investment companies, and other persons carrying on a banking business, all insurance companies, insurance associations, and

other persons carrying on an insurance business, and all administrators, executors, guardians, trustees and other fiduciaries, and all other persons whatsoever who now are or may hereafter be authorized to invest in bonds or other obligations of the State, may properly and legally invest any funds including capital belonging to them or within their control. The bonds, or other securities or obligations, are hereby made securities which properly and legally may be deposited with, and received by, any State or municipal officer or agency of the State for any purpose for which the deposit of bonds or other obligations of the State is now or hereafter may be authorized by law.

Section 12. No bond or other obligation of such a corporation shall be deemed to be the obligation of or a claim against the state or a county thereof.

Section 13. All counties, cities, towns, and other political subdivisions, and all public departments, agencies, and commissions of the State of Alabama, notwithstanding any contrary provision of law, are hereby authorized and empowered to lease, lend, grant or convey to the corporation at its request, upon such terms and conditions as the proper authorities of such counties, cities, towns, political subdivisions, and departments, agencies, or commissions of the State may deem reasonable and fair, and without the necessity for any advertisement, order of court or other action or formality, other than the regular and formal action of the authorities concerned, any real property which may be necessary or convenient to the effectuation of the authorized purposes of the corporation, which real property may include public roads and other real property already devoted to public use.

Section 14. Before construction is started on any project, the corporation shall advertise for sealed bids once each week for three consecutive weeks in a newspaper of general circulation in the county in which the project or undertaking is to be located; the corporation may also advertise in such other publications as it may deem advisable. Such notices shall state that plans and specifications for the project are on file in the office of the corporation, and the time and place in which bids will be received and opened. All bids shall be opened publicly at the advertised time and place.

The contract shall be awarded to the lowest responsible bidder complying with the conditions of the invitations for bids, unless the corporation finds that his bid is unreasonable or that it is not to the interest of the corporation to accept it. The bidder to whom the award is made shall be notified by telegram or letter at the earliest possible date. Should the successful bidder fail or refuse to sign the contract or make bond, the corporation may award the contract to the second responsible

bidder. Should the second lowest bidder fail or refuse to sign the contract or make bond, the authority may award the contract to the third lowest responsible bidder.

Should no bids be received at the time stated in the advertisement for bids, the corporation may advertise for and seek other competitive bids, or the corporation may direct that the work shall be done by negotiated contracts under its direction and control. If the corporation finds that all bids received are unreasonable and that it is not to the interest of the corporation to accept any of the bids the corporation may direct that the work shall be done by negotiated contracts under its direction and control. On any construction project which the corporation has determined to do by negotiated contract, the corporation shall file plans and specifications and an itemized estimate of cost with the Department of Examiners of Accounts, and upon completion of the project by the corporation, the final total cost, together with an itemized list of cost of any and all changes made in the original plans and specifications shall be submitted to the Department of Examiners of Public Accounts for its permanent record. Upon approval of the corporation, its duly authorized officer or officers may, when proceeding on the basis of negotiated contracts, let any subdivision or unit of work by contract on receiving sealed bids in accordance with this section. This section shall not apply to routine maintenance or repair jobs done by maintenance men who are regular employees of the corporation.

Section 15. Each project constructed or operated by such corporation shall be maintained and kept in good condition and repair.

Section 16. No officer of the corporation shall have any interest, directly or indirectly, in any contract awarded or to be awarded, or in the profit to be derived therefrom. The violation of this section shall constitute a misdemeanor, and upon conviction shall work a forfeiture of office, and shall be punishable by a fine not exceeding five hundred dollars (\$500), or by imprisonment in the county jail not exceeding six months, or both.

Section 17. The authorized agents and employees of the corporation may enter upon any lands, waters, and premises in this State for the purpose of making surveys, soundings, drillings and examinations as it may deem necessary or convenient for the purposes of this Act, and such entry shall not be deemed a trespass, nor shall an entry for such purpose be deemed an entry under any condemnation proceedings which may be then pending. The corporation shall make reimbursement for any actual damages resulting to such lands, waters, and premises as a result of such activities.

Section 18. The exercise of the powers granted by this Act will be in all respects for the benefit of the people of the State, for the purpose of conserving natural resources, for the increase of commerce and prosperity and for the improvement of health and living conditions. Since the operation and maintenance of projects authorized by this Act will constitute the performance of essential functions, the bonds authorized by this Act and the income therefrom and all mortgages executed as security therefor, shall be exempt from all taxation in the State of Alabama.

Section 19. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 20. All laws or parts of laws which conflict with this Act are repealed.

Section 21. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.
Time 1:58 P.M.

Act No. 540

H. 867—Dawkins

AN ACT

To make an appropriation for the use of the Agricultural Center Board in the purchase of certain equipment.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of nine thousand dollars (\$9,000), or so much thereof as may be necessary, is hereby appropriated from any funds in the state treasury not otherwise appropriated, to the Agricultural Center Board, for the purchase of certain equipment and appliances from the Montgomery Spastic Children's Association, for use in and about the operation of the State Coliseum in Montgomery. The appropriation herein made is in addition to all other appropriations heretofore or hereafter made for the use of the Agricultural Center Board.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.
Time 2:00 P.M.

Act No. 541

H. 124—Goodwyn, Nolen, Dawkins

AN ACT

To provide that persons in the service of the government of the United States and their spouses, if living within the borders of the State of Alabama at the time of their death, shall be deemed to be residents and inhabitants of Alabama for purposes of general probate jurisdiction.

Be It Enacted by the Legislature of Alabama:

Any person in any branch of service of the government of the United States of America, including those in the military, air and naval service, and the husband or wife of any such person, if he or she die while living within the borders of the State of Alabama, shall be deemed prima facie to be a resident and inhabitant of the State of Alabama and of the county in which he or she was living at the time of his or her death, for purposes of general probate jurisdiction, including the probate of his or her will, and the granting of letters testamentary or of administration upon his or her estate.

Approved September 9, 1955.

Time: 2:05 P.M.

Act No. 542

H. 304—McKay, Brassell, Solomon, Stembridge, Lee (Lawrence), Nice, Vacca, Payne.

AN ACT

Relating to the blind and visually handicapped; authorizing the Adult Blind Department of the Alabama Institute for Deaf and Blind to maintain, develop and supervise work shops and home industries for blind and visually handicapped persons, and to act as sales agent for the products made by blind and visually handicapped persons and for services of such persons; requiring state departments, agencies and institutions to purchase articles produced by the blind and services rendered by the blind under the supervision of the Adult Blind Department of the Alabama Institute for Deaf and Blind; prescribing the procedure for the requisitioning, purchasing and supply of such articles and services and authorizing political subdivisions of the State to purchase blind-made articles and to procure the services of the blind and visually handicapped in the same manner that state departments, agents and institutions procure them.

Be It Enacted by the Legislature of Alabama:

Section 1. The Adult Blind Department of the Alabama Institute for Deaf and Blind established pursuant to Title 52, Section 530, Code of Alabama, 1940, in addition to all other powers and duties now incumbent upon it, is authorized:

(a) To maintain and develop the work shops which are currently under the control of the Alabama Institute for Deaf and Blind in Talladega as shops for training and employing blind and

visually handicapped persons in trades and occupations suited to their abilities for the purpose of producing brooms, mops, sheets, mattresses and other items used by departments, agencies and institutions of the State of Alabama and its political subdivisions.

(b) To develop, cooperate with, and supervise similar shops in other localities in Alabama.

(c) To aid blind persons in securing employment, in developing home industries and in marketing their products.

(d) To act as the agent or salesman of the various work shops or other non-profit agencies employing blind and visually handicapped persons in the State under the supervision of such department in the marketing of their products and services to any department, agency or institution of the State of Alabama or its political subdivisions. In order to carry out the duties hereby imposed the Adult Blind Department shall issue a descriptive catalog showing in detail such articles as are, or may be, produced under its supervision, and shall furnish copies thereof to all purchasing agents for any state department, agency or institution and to the purchasing agents of the political subdivisions of the state. Upon receipt of requisitions from the purchasing agents of the various state departments, agencies, and institutions or the purchasing agents of the political subdivisions of the state the Adult Blind Department shall distribute such orders among the work shops and other non-profit agencies employing blind and visually handicapped persons under its supervision. Upon receipt of orders for services such as piano tuning, cane seating or other services which can be performed by the blind such department shall distribute these orders among the blind and visually handicapped persons registered with it who are qualified to perform such work or services. The Adult Blind Department shall keep accurate records showing the receipts from the sale of such products and all disbursements therefrom.

Section 2. Whenever any of the products made or manufactured by the blind or visually handicapped persons under the direction or supervision of the Adult Blind Department of the Alabama Institute for Deaf and Blind, meet the requirements of any department, institution or agency supported in whole or in part by the State as to quality and quantity, such products shall have preference, except over articles produced or manufactured by convicts in Alabama employed in industries operated or supervised by the Department of Corrections and Institutions; and all departments, institutions and agencies supported in whole or in part by the state are hereby directed to purchase such articles from the Adult Blind Department of the Alabama

Institute for Deaf and Blind. All political subdivisions of the state are authorized to purchase articles made or manufactured by the blind or visually handicapped through the Adult Blind Department in the same manner that the state and its agencies and institutions purchase them. A fair market price of all articles offered for sale pursuant to this Act shall be determined by the board created in Section 3 hereof.

Section 3. The Director of Finance, the Attorney General and the President of the Alabama Institute for Deaf and Blind are hereby constituted a board to fix a fair market price for all articles offered for sale under authority of this Act, to determine whether or not articles produced by blind and visually handicapped persons meet the reasonable requirements of state departments, agencies and institutions and to authorize state departments, agencies and institutions to purchase articles elsewhere when requisitions cannot be complied with through the Adult Blind Department. No department, institution or agency shall be allowed to evade the intent and meaning of this Act by slight variations from standards adopted by the Adult Blind Department of the Alabama Institute for Deaf and Blind, when the articles produced or manufactured by it, in accordance with its standards, are reasonably adapted to the actual needs of such departments, institutions, agencies, or political subdivisions.

Section 4. No voucher, certificate, or warrant issued by any state department, institution, or agency shall be questioned by the State Comptroller or by the State Treasurer on the grounds that the preceding section has not been complied with by such department, institution, or agency; but if intentional violation of the preceding section by any department, institution, or agency continues, after notice from the Governor to desist, it shall constitute a malfeasance in office, and shall subject the officer or officers or agents responsible for this violation to suspension or removal from office as may be provided by law in other cases of malfeasance.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.
Time: 2:06 P. M.

Act No. 543

H. 303—McKay, Brassell, Solomon, Stembridge, Lee, (Lawrence), Lackey, Ashworth, Gist, Vecca, Payne.

AN ACT

To authorize and provide for the operation of stands in buildings and on properties of the State of Alabama, its agencies, institutions, and political sub-divisions by blind persons, for the purpose of providing blind persons with remunerative employment, enlarging the economic opportunities of the blind, and stimulating the blind to greater efforts in striving to make themselves self supporting.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) The Vocational Rehabilitation Service of the State Department of Education and the Adult Blind Department of the Alabama Institute for Deaf and Blind, working under a cooperative agreement, shall make surveys of concession stand opportunities for blind persons in buildings and on properties of the State of Alabama, its agencies, institutions, and political subdivisions.

(b) The Vocational Rehabilitation Service of the State Department of Education shall be designated as the agency of the State to issue license to blind persons who are residents of Alabama for the operation of stands in buildings and on property of the State of Alabama, its agencies, institutions, and political subdivisions, for the purpose of vending of newspapers, periodicals, confections, tobacco products, and such other articles as may be approved for each building and property by the licensing agency. Provided, however, that no such license shall be issued for the operation of any such vending stand in any building or on property owned, leased, or used by any county or by any municipality, or any agency thereof, without the approval of the governing body of such county or municipality, which approval, if given, may be withdrawn so as to cancel such license at any time by such governing body.

(c) The Adult Blind Department of the Alabama Institute for Deaf and blind shall work cooperatively with the licensing agency in the establishment of such concession stands and supervise their operation on a continuing basis.

(d) The Alabama Institute for Deaf and Blind and the State Department of Education, through the Adult Blind Department and the Vocational Rehabilitation Service, respectively, will take such other steps as will be necessary and proper to carry out the provisions of this Act.

(e) The Licensing agency shall, in issuing each license for the operation of a vending stand, give preference to blind persons who are residents of Alabama. Each such license shall

be issued for an indefinite period but may be terminated by the licensing agency if it is satisfied that the stand is not being operated in accordance with the rules and regulations prescribed by such licensing agency. Such licenses shall be issued only to applicants who are blind within the meaning of this Act but who are able, with such infirmity, to operate such stands.

(f) The licensing agency, after reaching proper agreement with custodian, is authorized to select the location for such stand, the type of stand to be provided, the operator, provide the training and supervision necessary, provide equipment and shelter essential, and adequate initial stock of suitable articles to be vended therefrom.

(g) The head of each department or agency in control of the maintenance, operation, and protection of the state property shall, after consultation with the State Superintendent of Education and the President of the Alabama Institute for Deaf and Blind, prescribe a policy designed to assure such preference for such licensed blind persons.

(h) The State licensing agency is authorized, with the cooperation of the head of the department or agency in control of the maintenance, operation, and protection of the property on which the stand is to be located but subject to policy prescribed pursuant to item (g), to select a location for such stand and the type of stand to be provided.

Section 2. (a). The term "blind person" shall mean an individual having central visual acuity 20/200 or less in the better eye with correction, or a disqualifying field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than 20 degrees. Such blindness shall be certified by a duly licensed ophthalmologist.

(b) The term "vending stand" means such shelters, counters, shelves, display and wall cases, refrigerator apparatus, and other auxiliary equipment that may be needed in vending such articles as may be approved by the licensing agency, as well as manual or coin operated vending machines or similar devices.

(c) The term "building and property" means any building, land, or real property owned, leased, or occupied by the State of Alabama, its agencies, institutions, or political subdivisions.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 2:07 P. M.

Act No. 544

H.J.R. 100—Pruitt

HOUSE JOINT RESOLUTION

BE IT RESOLVED by the House of Representatives, the Senate concurring that H. B. 584 passed by the Senate on the 2nd day of September 1955, be and the same is hereby known as the Harrison-Goodwin Bill.

Approved September 9, 1955.

Time: 2:08 P.M.

Act No. 545

H. 302—McKay, Brassell, Solomon, Stembridge, Lee (Lawrence), Lackey, Ashworth, Gist, Nice, Vacca, Payne

AN ACT

Defining blind persons, blind-made products and services; prohibiting the sale, distribution, or exhibition of any products or services which are purported to be blind-made other than as herein defined; and providing a penalty.

Be It Enacted by the Legislature of Alabama:

Section 1. As used in this Act, the term "blind person" shall mean an individual having central visual acuity 20/200 or less in the better eye with correcting glasses, or a disqualifying field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than 20 degrees.

Section 2. No representation shall be made that a product or service is "blind-made" unless the manufacturer employs blind persons to an extent constituting not less than 75% of the total hours worked by personnel engaged in the direct labor of production of manufactured blind-made products, or services. Direct labor production shall mean all work required for the preparation, processing and packing, but not including supervision, administration, inspection and shipping, or the production of the materials from which the finished product is manufactured.

Section 3. No person or organization shall sell, distribute or exhibit any product or service which purports or is advertised

to be "blind-made" unless the Adult Blind Department of the Alabama Institute for Deaf and Blind shall certify that such product or service complies with the provisions of Section 2 of the Act.

Section 4. Any person, including the officers, owners or members of any corporation or organization that violates the provisions of this Act shall, upon conviction be punished by fine of not exceeding \$500.00 or imprisonment not exceeding one year, or by both such fine and imprisonment.

Section 5. This Act shall take effect immediately upon becoming law.

Approved September 9, 1955.

Time 2:10 P.M.

Act No. 546

H. 336—Davis, Martin, Dement

AN ACT

To amend Section 1 of Act No. 689 of the Legislature of 1953, entitled "An Act relating to highways; to authorize the State Highway Department to construct, repair and maintain roads on land owned by the State and designated as the Agricultural Center on which the State Coliseum Building is located" approved September 17, 1953, General Acts of 1953, page 941, by authorizing the State Highway Department to construct roads, driveways, walkways and vehicular parking areas on the property of the Agricultural Center.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of Act No. 689 of the Legislature of 1953, approved September 17, 1953, General Acts of 1953, page 941, is hereby amended to read as follows: "Section 1. The State Highway Department, with approval of the Governor, is authorized to construct, repair and maintain roads, driveways and vehicular parking area facilities together with connecting walkways and passageways on the property owned by the State at Montgomery, which is known and designated as the Agricultural Center on which the State Coliseum is located. The State Highway Department is also authorized and may, with approval of the Governor, expend funds available for highway construction, maintenance and repair purposes to carry out the provisions of this Act to the end that adequate roadways, driveways, walkways, passage ways and vehicular parking accommodations may be constructed on the State Coliseum property."

Section 2. All laws and parts of laws in conflict with the provisions of this Act are hereby expressly repealed to the extent only that the provisions thereof conflict with this Act.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 9, 1955.
Time: 2:15 P.M.

Act No. 547

H. 688—Hawkins, Davis

AN ACT

To amend Section 2 of Act No. 669, General Acts of Alabama of 1939 and generally called the Alabama Motor Carrier Act, General Acts of Alabama 1939, page 1066 et seq., approved July 5, 1940, and said Act as amended, by providing that the exemption contained in subsection A (3) of Section 2 of said Act, supra, relating to motor vehicles while used in transportation of property when the person furnishing the transportation is legally and regularly engaged in the business of selling such property, and is the owner and has the legal title to the motor vehicle involved.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 2 of an Act designated as Act No. 669 of the Regular Session of the Legislature of Alabama of 1939, approved July 5, 1940, and said Act as amended, and particularly Subsection A (3) thereof, be and the same is hereby amended to read as follows:

“This article shall not be construed to apply to:

A. (1) School busses or other motor vehicles which are owned by county boards of education or under contract with county boards of education, regardless of whether or not such school buses and other motor vehicles are being used exclusively for the transportation of school children and school teachers to and from school, and provided such school busses and other motor vehicles do not take on passengers for fare on a certificated route. (2) Motor vehicles for hire while operating wholly within the limits of a city or incorporated town or within the police jurisdiction thereof; or between two or more incorporated towns or cities whose city limits join or are contiguous or whose police jurisdictions join or are contiguous. (3) Motor vehicles while used in the transportation of property when the owner of the vehicle is legally and regularly engaged in the business of selling such property and is the owner and has the legal title to the motor vehicle involved, also motor vehicles if engaged in hauling milk, livestock, coal, logs, lumber, poles, pulpwood, cotton in bales, cottonseed, fertilizer, peanuts, potatoes, or any other agricultural commodity of any kind (but not manufactured products thereof); or motor vehicles hauling road materials and paid by the State of Alabama, for a distance not exceeding 25 miles; and motor vehicles used exclusively in the transportation of milk in thermal or artificially cooled bodies or containers; except that this subsection shall not be construed to exempt from the provisions of the Mileage Tax Act, as amended,

Sections 301(33) - 301(51) of this title, any motor carrier who operates under certificate or permit granted under the authority of the Alabama Public Service Commission. All motor vehicles hauling property for hire and which are in any respect exempt under subsection A (3) of this section, must before transporting any exempt property, secure a permit from the Department of Revenue of the State of Alabama, which permit may be furnished without cost upon proper application, where there are no legal objections thereto. And such permit shall be issued under reasonable rules and regulations promulgated by the Department of Revenue of the State of Alabama.

B. Motor vehicles owned or operated by or on behalf of hotels and used exclusively for the transportation of hotel patrons.

C. Motor vehicles owned and operated by the United States, this state, or any county, municipality or other political subdivision of this state.

D. Motor vehicles controlled and operated by any farmer while used in the transportation of agricultural commodities and products thereof, whether for himself or another farmer, or in the transportation of supplies to or from the farm.

E. Motor vehicles controlled and operated by a bona fide co-operative association as defined by the General Agricultural Marketing Act, approved June 15, 1929, as amended, or organized or existing under any state cooperative marketing act, while used exclusively in the conduct of the business of such association.

F. Motor vehicles while used exclusively in the transportation of newspapers and magazines, and United States mail.

G. Motor vehicles owned by a farmer used occasionally in transporting household goods and furniture."

Section 2. All laws or parts of laws in conflict or inconsistent with the provisions of this Act are hereby expressly repealed.

Section 3. If any clause, sentence, paragraph or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Act; but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which judgment has been rendered.

Section 4. This Act shall become effective immediately after the approval of same by the Governor, or same otherwise becoming a law.

Approved September 9, 1955.
Time: 2:20 P.M.

Act No. 548

S.J.R. 93—Yarbrough (Autauga)

SENATE JOINT RESOLUTION

BE IT RESOLVED by the Senate of Alabama, the House of Representatives concurring: That the members of the Legislature do hereby commend the able Senator from the Thirtieth District, the Honorable Walter C. Givhan, for his efforts in behalf of agriculture, and his promotion of the passage of legislation beneficial to the further agricultural development of this State, during the current session of the Legislature.

Approved September 9, 1955.
Time: 2:20 P.M.

Act No. 549

H.J.R. 101—Richardson

HOUSE JOINT RESOLUTION

WHEREAS, the State of Alabama expends the sum of \$50,000.00 annually for the control of pollution of the public streams, and whereas, it is to the interest of the people of Alabama that stream pollution be abated in the State of Alabama, and

WHEREAS, certain streams of the State of Alabama are in a most deplorable state,

NOW THEREFORE, BE IT RESOLVED by the House, the Senate concurring, that a committee of three; consisting of two members of the House to be appointed by the Speaker and one member of the Senate to be appointed by the President of the Senate; be appointed to study the problem of pollution of public streams and laws pertaining thereto and to report their finding to the next session of the Legislature. Said members of the Committee are to elect from their number a chairman and are to meet as a committee at his call; for not more than thirty calendar days. Said members to receive their regular legislative compensation while so engaged in this work.

Approved September 9, 1955.
Time: 2:25 P.M.

Act No. 550

H. 253—Hawkins

AN ACT

To amend Section 365 of Title 52 of the Code of Alabama of 1940, as amended, which relates to the Teachers' Retirement System.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 365 of Title 52 of the Code of Alabama of 1940, as amended, be and is hereby amended by adding the following sub-section to the end of said Section 365 as follows:

“(3) Anything in this chapter to the contrary notwithstanding, any teacher who is a member of the Teachers’ Retirement System as of the effective date of this act shall be eligible to receive credit for service rendered as a state employee on a full time basis prior to October 1, 1945, under such rules and regulations as may be adopted by the Board of Control in accordance with the provisions of this chapter.”

Section 2. This act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 9, 1955.
Time: 2:30 P.M.

Act No. 551

H. 294—Davis

AN ACT

TO AMEND: Section 713 of Article 5 of Chapter 14 of Title 7 of the Code of Alabama of 1940.

Be it enacted by the Legislature of Alabama, that Section 713 of Article 5 of Chapter 14 of Title 7 of the Code of Alabama of 1940 be, and the same is hereby, amended, so that as amended said section shall read in words and figures as follows:

The party in interest, or at whose instance the publication of notice is to be given by advertisement in a newspaper, may designate the newspaper in which such advertisement shall be made. If the officer charged with the duty of making the advertisement disregards such designation, and makes advertisement in some other paper, he must pay the cost thereof, and shall not be entitled to reimbursement; but all publications required by any law or mortgage or other contract to be published in a newspaper must be printed in whole or in part and published in the county in which the advertisement is published and must be published in a newspaper printed in the English language which has a general circulation in the county in which it is published, which newspaper shall have been mailed under the second class mailing privilege of the United States post office department from the post office where it is published for fifty two consecutive weeks. Provided, that if there is no newspaper printing plant in the county where the advertisement is publish-

ed, and in Cullman County, the printing may be done in another county in the State of Alabama.

Approved September 9, 1955.
Time: 2:32 P.M.

Act No. 552

H. 194—Davis, Windle, Locke (Choctaw), Oakley, Brannan, Nettles, Vacca, Selman, Pirkle, McNider, Wood, Shumate, Jenkins, Branyon.

AN ACT

To authorize county governing bodies to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; prescribing the procedure for levying and collecting such assessments; and providing fees or allowances to officers performing duties relative to the assessing and collecting of such assessments.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of any county in this State is authorized, when the need therefor exists, to provide in the manner hereinafter specified protection against forest fires in such county by participating in the State Department of Conservation's fire protection program.

Section 2. (a) Any county governing body which provides forest fire protection to the persons and property of its county by participating in the State Department of Conservation's fire protection program may in the manner hereinafter specified assess the whole or any part of the cost of such fire protection program, not in excess of five cents per acre, to the owners of forest land in the county; provided such assessment is not greater than the benefit accruing to such forest land due to the availability of such fire protection.

(b) "Forest lands", as used in this Act, shall mean any land which supports a forest growth, or which under prevailing natural and economic conditions may be expected to support such a growth in the future, or which is being used or reserved for any forest purpose. "Forest lands", as used in this Act, shall not include any lands within an urban area which are primarily used for residential purposes nor shall it include any publicly owned lands.

Section 3. The need for special assessments to provide forest fire protection with the county shall be determined by the county governing body after a public hearing is held thereon. Such hearing shall be held by such body only after a petition

signed by a majority of the total number of persons owning forest lands within the county has been presented thereto and, provided such persons are the owners of more than one-half of the forest land situated within the county. The county governing body shall give ten days notice of the time and place at which they shall meet to determine the need for a program in such county to provide protection against forest fires, the manner of financing a fire protection program, the part of the cost of such program to be assessed against owners of forest land, and the manner of assessing the cost of such protection proportionately to each parcel or tract of forest land in the county. The notice of the meeting hereby required shall be published in a newspaper of general circulation in the county, and shall also be posted at the courthouse of the county and in every post office within the county. Any person owning forest land in the county may appear in person or by attorney at such time and place and make defense against such assessment or the amount thereof. After such hearing the county governing body shall determine the amount of such assessment and enter on the minutes of the governing body an order fixing such assessment.

Section 4. Any assessment fixed as provided in the above section shall be payable at the same time and in the same manner as county taxes and the owner of the forest lands, as herein defined, in those counties becoming subject to the provisions of this Act shall make report of same to the tax assessor of the county at the time fixed by law for making return of other property of such property owner. Assessments made pursuant to this Act shall constitute a lien on the property against which they are assessed and in case of default in the payment of such assessments the land may be sold in the same manner and under the same conditions that lands are sold for the satisfaction of liens for county taxes.

Section 5. All monies accruing to any county from the assessment as herein provided shall be placed in the county treasury or depository, as the case may be, to the credit of a special fire protection fund, which fund shall be used or disbursed by said county governing body only in participating in the State Department of Conservation's fire protection program within such county under such procedures and policies as may be prescribed by the Department of Conservation. Any unexpended balance in said fund, at the end of any fiscal year, shall remain therein for use during the ensuing fiscal year.

Section 6. Any officer performing any duties relative to the assessing or collecting of assessments made pursuant to this Act shall receive as compensation therefor the same fees and allowances that he would receive for the performance of similar duties relative to the collection of special county taxes.

Section 7. The county governing body in any county where the assessment as herein provided for has been adopted may, upon its own motion, remove said assessment at any time; provided, however, no county governing body may remove said assessment without first having a public hearing relative to the removal of the assessment.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this Act are repealed.

Section 10. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 2:35 P. M.

Act No. 553

H. 145—Hawkins

AN ACT

To further provide for the public interest by granting to Housing Authorities and Municipalities certain additional power and authority and to undertake additional activities for the elimination and for the prevention of the development or spread of slums and blight, including functions with respect to rehabilitation and conservation for the restoration and removal of blighted, deteriorated, or deteriorating areas; to provide that all the rights, powers, privileges, and immunities of public or private bodies or agencies applicable with respect to redevelopment projects shall be applicable with respect to such additional activities; to authorize the governing body of the municipality or such public officer or public body as it may designate, to prepare a workable program for utilizing appropriate private and public resources to eliminate and prevent the development or spread of slums and urban blight in the community; and to authorize housing authorities to acquire and dispose of undeveloped vacant land where certain conditions of blight exist or where such action is essential to the clearance, redevelopment, rehabilitation or conservation of slum or blighted areas or to a general slum clearance or urban renewal program of the community.

Be It Enacted by the Legislature of Alabama:

Section 1. Findings. It is hereby found and declared that (a) there exist in communities of the State slum, blighted, and deteriorated areas which constitute a serious and growing menace, injurious to the public health, safety, morals and welfare of the residents of the State, and the findings and declarations heretofore made in Section 96 of Title 25 of the Code of Alabama (1940) with respect to blighted areas are hereby affirmed and restated, (b) certain slum, blighted or deteriorated areas, or

portions thereof, may require acquisition and clearance, since the prevailing condition of decay may make impracticable the reclamation of the area by conservation or rehabilitation, but other areas or portions thereof may, through the means provided in this Act, be susceptible of conservation or rehabilitation in such a manner that the conditions and evils hereinbefore enumerated may be eliminated, remedied or prevented, and to the extent feasible salvable slum and blighted areas should be conserved and rehabilitated through voluntary action and the regulatory process, and (c) all powers conferred by this Act are for public uses and purposes for which public money may be expended and such other powers exercised, and the necessity in the public interest for the provisions of this Act is hereby declared as a matter of legislative determination. A city, town, or village (hereinafter called "municipality") to the greatest extent it determines to be feasible in carrying out the provisions of this Act, shall afford maximum opportunity, consistent with the sound needs of the municipality as a whole, to the rehabilitation or redevelopment of areas by private enterprise.

Section 2. Urban Renewal Projects. In addition to its authority under Title 25, Code of Alabama, 1940, any housing authority created thereunder is hereby authorized to plan and undertake urban renewal projects. As used in this Act, an urban renewal project may include undertakings and activities for the elimination (and for the prevention of the development or spread) of slums or blighted, deteriorated, or deteriorating areas and may involve any work or undertaking for such purpose constituting a redevelopment project authorized by Sec. 96-104 Inc. of Title 25, Code of Alabama, 1940, or any rehabilitation or conservation work, or any combination of such undertaking or work. For this purpose, "rehabilitation or conservation work" may include (1) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements; (2) acquisition of real property and demolition, removal, or rehabilitation of buildings and improvements, thereon where necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, reduce traffic hazards, eliminate obsolete or other uses detrimental to the public welfare, or to otherwise remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; (3) installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out the objectives of the urban renewal project; and (4) the disposition, for uses in accordance with the objectives of the urban renewal project, of any property or part thereof acquired in the area of such projects; provided that such disposition shall be in the manner prescribed in Sec. 96-108 Inc. of Title 25, Code of Ala-

bama, 1940, for the disposition of property in a redevelopment project area.

Section 3. Urban Renewal Plan. Any urban renewal project undertaken pursuant to the preceding section shall be undertaken in accordance with an urban renewal plan for the area of the project. As used in this Act, and "urban renewal plan" means a plan, as it exists from time to time, for an urban renewal project, which plan (1) shall conform to the general plan for the municipality as a whole; and (2) shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the area of the urban renewal project, zoning and planning changes, if any, land uses, maximum densities, building requirements, and the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements. An urban renewal plan shall be prepared and approved pursuant to the same procedure as provided in Sec. 96-104 Inc. of Title 25, Code of Alabama, 1940, with respect to a redevelopment plan.

Section 4. Powers with Respect to Urban Renewal. An authority shall have all the powers necessary or convenient to undertake and carry out urban renewal plans and urban renewal projects, including the authority to acquire and dispose of property, to issue bonds and other obligations, to borrow and accept grants from the Federal Government or other source and to exercise the other powers which Sec. 96-104 Inc. of Title 25, Code of Alabama, 1940, confers on an authority with respect to redevelopment projects. In connection with the planning and undertaking of any urban renewal plan or urban renewal project, the authority, the municipality, and all public and private officers, agencies, and bodies shall have all the rights, powers, privileges, and immunities which they have with respect to a redevelopment plan or redevelopment project, in the same manner as though all of the provisions of Sec. 96-104 Inc. of Title 25, Code of Alabama, 1940, applicable to a redevelopment plan or redevelopment project were applicable to an urban renewal plan or urban renewal project provided that for such purpose the word "redevelopment" as used in Sec. 96-104 Inc. of Title 25, Code of Alabama, 1940 shall mean "urban renewal", and the word "slum" and the word "blighted" as used in said Sec. 96-104 Inc. of Title 25, Code of Alabama, 1940 shall mean "blighted, deteriorated, or deteriorating"; and provided further that this section shall not change the corporate name of the authority or amend any section of Sec. 96-104 Inc. of Title 25, Code of Alabama, 1940. In addition to the surveys and plans which an au-

thority is otherwise authorized to make, an authority is hereby specifically authorized to make (i) plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements, and (ii) plans for the enforcement of laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements, and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements. The authority is authorized to develop, test, and report methods and techniques, and carry out demonstrations and other activities, for the prevention and the elimination of slums and urban blight.

Section 5. Assistance to Urban Renewal by Municipalities and other Public Bodies. Any municipality or other public body is hereby authorized (without limiting any provision in the preceding section) to do any and all things necessary to aid and cooperate in the planning and undertaking of an urban renewal project in the area in which such municipality or public body is authorized to act, including the furnishing of such financial and other assistance as the municipality or public body is authorized by Sec. 96-104 Inc. of Title 25, Code of Alabama, 1940, to furnish for or in connection with a redevelopment plan or redevelopment project. An authority is hereby authorized to delegate to a municipality or other public body any of the powers or functions of the authority with respect to the planning or undertaking of an urban renewal project in the area in which such municipality or public body is authorized to act, and such municipality or public body is hereby authorized to carry out or perform such powers or functions for the authority. Any public body is hereby authorized to enter into agreements (which may extend over any period, notwithstanding any provision or rule of law to the contrary) with any other public body or bodies respecting action to be taken pursuant to any of the powers granted by this Act, including the furnishing of funds or other assistance in connection with an urban renewal plan or urban renewal project.

Section 6. Workable Program. The governing body of the municipality, or such public officer or public body as it may designate, is hereby authorized to prepare a workable program (which may include an official plan of action, as it exists from time to time for effectively dealing with the problem of slums and blighted, deteriorated, or deteriorating areas within the community and for the establishment and preservation of a well-planned community with well-organized residential neighborhoods of decent homes and suitable living environment for adequate family life) for utilizing appropriate private and public resources to eliminate, and prevent the development or spread of, slums and blight and deterioration, to encourage needed rehabilitation, to provide for the redevelopment of blighted, de-

teriorated, or slum areas, or to undertake such of the aforesaid activities or other feasible activities as may be suitably employed to achieve the objectives of such a program.

Section 7. Notwithstanding any other provision of law, the acquisition, preparation for development, or disposal of undeveloped vacant land shall constitute a redevelopment project (under Title 25, Code of Alabama, 1940, or any other law) which may be undertaken in the manner provided in said Title, or any amendments or provisions supplemental thereto, by any housing authority nor or hereafter established pursuant to said Title, if such acquisition of undeveloped vacant land is determined, as herein provided, to be essential to the proper clearance, redevelopment, rehabilitation, or conservation of a slum or blighted area of a community or to its general slum clearance or urban renewal program. Such determination shall be made by the Housing Authority of such community adopting a resolution to that effect, which shall include a finding that the conditions affecting the land to be acquired (by reason of the predominance of defective or inadequate street layout; faulty lot layout in relation to size, adequacy; lack of accessibility or usefulness; diversity of ownership, tax or special assessment delinquency; defective or unusual conditions of title, improper subdivisions or obsolete platting, or any one or combination of such factors) substantially impair or arrest the sound growth of the community, retard the provision of needed housing accommodations, and constitute or economic or social liability, and that the need for housing accommodations has been or will be increased as a result of the clearance, rehabilitation, or conservation of slum or blighted areas in the community.

Section 8. Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Section 9. The powers conferred by this Act shall be in addition and supplemental to the powers conferred by any other law, and nothing contained herein shall be construed as limiting any other powers of a housing authority.

Section 10. This Act shall be effective immediately upon its passage and approval.

Approved September 9, 1955.
Time: 2:36 P. M.

Act No. 554

H. 146—Hawkins

AN ACT

To amend Sec. 1. of Act 614, General Assembly Acts of 1939, approved July 10, 1940 (Chapter 7, Title 25, Code of Alabama 1940).

Be It Enacted by the Legislature of Alabama:

Sec. 1. That Section 1 of Act No. 614, General Acts of 1939, approved July 10, 1940, be and the same is hereby amended to read as follows: Section 1. Regulations as to fixing of rentals. It is declared to be the policy of this State that each housing authority shall manage and operate its low rent housing projects in an efficient manner so as to enable it to fix the rentals for dwelling accommodations at the lowest possible rates consistent with its providing decent, safe, and sanitary dwelling accommodations for persons of low income, and that no housing authority shall construct or operate any such project for profit, or as a source of revenue of the city or town. To this end a housing authority shall fix the rentals for such dwellings in its low rent housing projects at no higher rates than it shall find to be necessary in order to produce revenues which (together with all other available moneys, revenues, income and receipts of such authority from whatever sources derived, including Federal financial assistance necessary to maintain the low-rent character of the projects) will be sufficient (a) to pay, as the same become due, the principal and interest on the bonds or other obligations of such authority; (b) to meet the cost of, and to provide for, maintaining and operating the projects (including the cost of any insurance) and the administrative expenses of such authority; and to meet the cost of discharging all lawful obligations assumed by or imposed upon, the authority or its property; and (c) to create (during not less than the six years immediately succeeding its issuance of any bonds or other obligations) a reserve sufficient to meet the largest principal and interest payments which will be due on such bonds or other obligations in any one year thereafter and to maintain such reserve. Rentals or payments for such dwellings shall be established and the low rent housing projects administered, in so far as possible, so as to assure that any Federal financial assistance required shall be strictly limited to amounts and periods necessary to maintain the low-rent character of the projects. In the operation or management of such low rent housing projects a housing authority shall at all times observe the following duties with respect to rentals and tenant selection: (a) it may rent or lease the dwelling accommodations therein only to persons who lack the amount of income which is necessary (as determined by the housing authority undertaking the housing project) to enable them, without financial assistance, to live in decent, safe, and sanitary dwellings, without overcrowding; (b) it may rent or

lease the dwelling accommodations only at rentals within the financial reach of such persons; (c) it may rent or lease to a tenant dwelling accommodations consisting of the number of rooms (but no greater number) which it deems necessary to provide safe and sanitary accommodations to the proposed occupants thereof, without overcrowding; and (d) it shall not accept any person as a tenant in any such low rent housing project if the person or persons who would occupy the dwelling accommodations have, at the time of admission, an aggregate annual net income, less an exemption of \$100 for each minor member of the family other than the head of the family and his spouse, in excess of five times the annual rental of the quarters to be furnished such person or persons; in computing the rental for this purpose of selecting tenants, there shall be included in the rental the average annual cost (as determined by the housing authority) to occupants of heat, water, electricity, gas, cooking range and other necessary services or facilities, whether or not the charge for such services and facilities is in fact included in the rental; provided, that an authority may agree to conditions as to tenant eligibility or preference required by the federal government pursuant to federal law in any contract for financial assistance with the authority. Nothing contained in this Act shall be construed as limiting the power of an authority to vest in an obligee the right, in the event of a default by the housing authority, to take possession of a housing project or cause the appointment of a receiver thereof, free from all the restrictions imposed by this Act with respect to rental rates and tenant selection.

Approved September 9, 1955.

Time: 2:37 P. M.

Act. No. 555

H. 147—Hawkins

AN ACT

To validate and declare legal the creation and establishment of housing authorities, all bonds, notes, contracts, agreements, obligations and undertakings of said housing authorities, and all proceedings, acts and things heretofore undertaken, performed or done with reference thereto, and to declare said housing authorities bodies corporate and politic.

Be It Enacted by the Legislature of Alabama:

Section 1. That the creation and establishment of housing authorities pursuant to, or purporting to be pursuant to, the provisions of Title 25, Code of Alabama, and laws amendatory thereto, together with all proceedings, acts and things undertaken, performed or done with reference thereto (including the appointment of commissioners, officers and em-

ployees), are hereby validated, ratified, confirmed, approved and declared legal in all respects, notwithstanding any want of statutory authority or defect or irregularity in such acts or proceedings. Said housing authorities are hereby declared to have been and to be legally constituted and to be bodies corporate and politic with all the powers, rights and duties set forth in the Housing Authorities Law.

Section 2. And be it further enacted by the authority aforesaid, That all contracts, agreements, obligations and undertakings of housing authorities heretofore entered into relating to financing or aiding in the planning, surveying, development, construction, maintenance or operation of any housing or redevelopment project or projects or to obtaining aid therefor from the federal government, including (without limiting the generality of the foregoing) loan and annual contributions contracts and leases with the federal government, agreements with municipalities or other public bodies (including agreements which are pledged or authorized to be pledged for the protection of the holders of any notes or bonds issued by housing authorities or which are otherwise made a part of the contracts with such holders of notes or bonds) relating to cooperation, contributions, grants or other local participation in aid of housing or redevelopment projects, payments (if any) in lieu of taxes, furnishing of municipal services and facilities, and the elimination of unsafe and unsanitary dwellings, and contracts for the construction or operation of housing projects, together with all proceedings, acts and things heretofore undertaken, performed or done with reference thereto, and hereby validated, ratified, confirmed, approved, and declared legal in all respects, notwithstanding any defect or irregularity therein or any want of statutory authority.

Section 3. And be it further enacted by the authority aforesaid, That all proceedings, acts and things heretofore undertaken, performed or done in or for the authorization, issuance, sale, execution and delivery of notes and bonds by housing authorities for the purpose of financing or aiding in the undertaking of a housing or redevelopment project or projects and all notes and bonds heretofore issued by housing authorities are hereby validated, ratified, confirmed, approved and declared legal in all respects, notwithstanding any defect or irregularity therein or any want of statutory authority.

Approved September 9, 1955.
Time: 2:38 P. M.

AN ACT

To amend Section 363 of Title 37 of the Code of Alabama of 1940, as heretofore amended, so as to authorize specifically any municipality in the state to construct, purchase, operate, maintain, enlarge, extend and improve a water supply plant and system, or any part or parts thereof, whether located within or without or partly within and partly without the corporate limits of such municipality, to authorize the delivery and sale of water therefrom, and to provide that any municipality in the state may lawfully expend funds for any actions authorized to be taken by it in said section.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 363 of Title 37 of the Code of Alabama of 1940, as heretofore amended, is hereby further amended to read as follows:

"Section 363. Waterworks established and maintained. — Any municipality in this state may construct, purchase, operate, maintain, enlarge, extend and improve waterworks plants and systems, or any part or parts thereof, whether located within or without or partly within and partly without the corporate limits of such municipality. Such plants and systems may be purchased subject to encumbrances and to contracts to furnish water therefrom, the payment and performance of which may be assumed. Any municipality in this state may furnish and distribute, under contract, water to persons, firms and corporations in such municipality and to persons, firms and corporations in the territory surrounding such municipality, whether or not the territory surrounding such municipality is contiguous thereto. Without limiting the generality of any of the language hereinabove contained in this section, any municipality in this state may construct, purchase, operate, maintain enlarge, extend and improve water supply plants and systems, whether located wholly within or wholly without or partly within and partly without the corporate limits of such municipality, and may sell and deliver water therefrom to public corporations for ultimate distribution to the inhabitants of such municipality and to the inhabitants of the territory surrounding such municipality, whether or not the territory surrounding such municipality is contiguous thereto. The construction, purchase, operation, maintenance, enlargement, extension and improvement of waterworks plants and systems, including water supply plants and systems, and any part or parts of any thereof, are hereby declared to be purposes for which any municipality in this state is authorized to expend funds."

Section 2. This act shall take effect upon its approval by the Governor or upon its otherwise becoming law.

Approved September 9, 1955.
Time; 2:40 P. M.

Act No. 557

H. 324—Adams, Vacca

AN ACT

To amend Section 97 of Title 37 of the Code of 1940 relating to government of cities; recorder, election, salary.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 97 of Title 37, Code of 1940 be and the same is hereby amended to read as follows: "Section 97. Government of cities; recorder, election, salary.—Every city adopting the form of government provided for by this article shall be governed and managed by the board of commissioners provided for herein. Each and every officer and employee of said city other than the commissioners shall be appointed and employed by the said board, or under its direction, and all salaries and wages paid by said city, except as otherwise provided by the terms of this article shall be fixed as provided by law. The city recorder shall be appointed and employed by the board and his salary shall be fixed by the board. The recorder hereunder shall have the powers and duties now or hereafter provided by law. Provided, however, that all salaried officials, except members of the boards and commissioners above mentioned, who are holding office at the time of the adoption of such form of government under an election, appointment, or other selection for a definite term, shall be permitted to serve out such term in the position and with the duties and compensation, and subject to the conditions, restrictions and regulations, which would have existed had there been no change in the government of such city. The executive and administrative powers and duties in such cities shall be distributed into and among the designated departments, and the powers and duties pertaining to each department shall be fixed by the said board of commissioners."

Approved September 9, 1955.

Time: 2:50 P.M.

Act No. 558

H. 317—Adams, Vacca

AN ACT

To grant immunity from tort liability to municipal fire departments in acts performed beyond the corporate limits and police jurisdiction of cities and towns.

Be It Enacted by the Legislature of Alabama:

Section 1. Firemen and equipment may in emergencies go or be sent beyond the corporate limits or police jurisdiction. — Whenever the necessity arises during any emergency resulting from fire or other public disaster, the firemen of any city or

town may, together with all necessary equipment, lawfully, go or be sent beyond the corporate limits and police jurisdiction of such city or town to any point within the State of Alabama, to assist in meeting such emergency.

In such event the acts performed for such purpose by such firemen, and the expenditures made for such purpose by such city or town, shall be deemed conclusively to be for a public and governmental purpose and all of the immunities from liability enjoyed by a city or town when acting through its firemen for a public or governmental purpose within its corporate limits and police jurisdiction shall be enjoyed by it to the same extent when such city or town is so acting, under this section or under other lawful authority, beyond its corporate limits and police jurisdiction.

The firemen of any city or town, when acting hereunder, or under other lawful authority, beyond the corporate limits and police jurisdiction of such city or town, shall have all of the immunities from liability and exemptions from laws, ordinances and regulations, and shall have all of the pension, relief, disability, workmen's compensation and other benefits, enjoyed by them while performing their respective duties within the corporate limits and police jurisdiction of such city or town.

Section 2. Contracts of cities or towns to furnish fire protection. — The governing body of any city or town may, in its discretion, authorize or require the fire department thereof to render aid in cases of fire occurring beyond their corporate limits and police jurisdiction, and may prescribe the conditions on which such aid may be rendered, and may enter into a contract, or contracts, with other cities or towns, with counties or county boards, manufacturing or industrial concerns, or residential or business areas, for rendering aid in fire protection in such places, on such terms as may be agreed upon by such governing body and the governing body of such city or town, county or county boards, or the management of such manufacturing or industrial concerns, or the residents of such residential or business areas, and when the fire department of any city or town is operating under such permission or contract, or contracts, on any call beyond the corporate limits and police jurisdiction of the city or town, it shall be deemed to be operating in a governmental capacity, and subject only to such liability for injuries as it would be if it were operating within the corporate limits and police jurisdiction of such city or town.

Section 3. All laws or parts of laws in conflict herewith are hereby repealed.

Section 4. This act shall become effective immediately upon

its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 2:52 P. M.

Act No. 559

H. 639—Vacca, Adams

AN ACT

To validate and declare legal acts and proceedings heretofore done or taken to incorporate gas districts under Act No. 762 of the General Acts of 1951 of Alabama, approved September 11, 1951, entitled "An Act to provide for and authorize the incorporation of gas districts, as public corporations of the State of Alabama, for the purpose of acquiring, constructing, owning, operating and financing gas transmission systems and gas distribution systems, or any one or more of such systems, for the use and benefit of those municipalities which join in and approve the incorporation of such districts to provide for the approval, execution, filing, recording and amendment of the certificate of incorporation of such districts and the dissolution thereof; to grant powers to such districts including the power of eminent domain, and the means of exercising such powers; to provide for a board of directors and officers to exercise the powers and direct the affairs of such districts; to authorize such districts to issue and sell bonds payable solely from the revenues of its gas system or systems; to provide for the execution and delivery by such districts of mortgages, deeds of trust and other instruments of security for the benefit of the holders of such bonds; to provide for the remedies and rights available to the holders of the bonds; to provide that the property and income of such districts shall be tax exempt; to provide that the bonds of such districts and the interest thereon shall be tax exempt; to provide that deeds, mortgages, trust indentures and other instruments of, by, or to such districts shall be tax exempt; to provide for the use and utilization and distribution of the revenues of the gas systems of such districts; to exempt such districts from the jurisdiction and control of the Public Service Commission and all other regulatory bodies and agencies of the State; to regulate the use of the proceeds or sale of any such bonds; to prohibit the duplication of existing privately owned gas systems and to provide for the acquisition thereof by such districts; to provide for the use of the public roads by such districts; and to make provisions with respect to the acquisition, construction, maintenance, operation and financing of a gas system or systems by such districts, as a public corporation of the State of Alabama", notwithstanding irregularities in such acts or proceedings.

Be It Enacted by the Legislature of Alabama:

Section 1. All acts or proceedings heretofore done or taken for the purpose of incorporating any gas district under the provisions of Act No. 762 of the Acts of 1951 of Alabama, approved September 11, 1951, entitled "An Act to provide for and authorize the incorporation of gas districts, as public corporations of the State of Alabama, for the purpose of acquiring, constructing, owning, operating and financing gas transmission systems and gas distribution systems, or any one or more of such systems, for the use and benefit of those municipalities

which join in and approve the incorporation of such district; to provide for the approval, execution, filing, recording and amendment of the certificate of incorporation of such districts and the dissolution thereof; to grant powers to such districts, including the power of eminent domain, and the means of exercising such powers; to provide for a board of directors and officers to exercise the powers and direct the affairs of such districts; to authorize such districts to issue and sell bonds payable solely from the revenues of its gas system or systems; to provide for the execution and delivery by such districts of mortgages, deeds of trust and other instruments of security for the benefit of the holders of such bonds; to provide for the remedies and rights available to the holders of the bonds; to provide that the property and income of such districts shall be tax exempt; to provide that the bonds of such districts and the interest thereon shall be tax exempt; to provide that deeds, mortgages, trust indentures and other instruments of, by or to such districts shall be tax exempt; to provide for the use and utilization and distribution of the revenues of the gas systems of such districts; to exempt such districts from the jurisdiction and control of the Public Service Commission and all other regulatory bodies and agencies of the State; to regulate the use of the proceeds of sale of any such bonds; to prohibit the duplication of existing privately owned gas systems and to provide for the acquisition thereof by such districts; to provide for the use of the public roads by such districts; and to make provisions with respect to the acquisition, construction, maintenance, operation and financing of a gas system or systems by such districts, as a public corporation of the State of Alabama", are hereby validated and declared legal, notwithstanding that the resolution adopted by the governing body of any municipality which is a member of such gas district, authorizing its Mayor to proceed with the organization and incorporation of such gas district, in purported compliance with Section 1 of said Act, does not set forth a brief description of the gas system or systems to be owned and operated by such gas district, or fails to comply in other respects with the provisions of said Section 1, notwithstanding failure to publish any resolution and notwithstanding that the objects for which such gas district is organized, as stated in the certificate of incorporation of such gas district, filed in the office of the Judge of Probate of the county in which the principal office of such gas district is located, include objects or purposes which are not authorized by said Act; provided, however, such gas district shall not have or exercise any power which is not conferred upon said district by said Act, or by any act amendatory thereof or supplemental thereto heretofore or hereafter adopted, or by this act.

Section 2. This act shall take effect immediately upon its

passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 9, 1955.
Time: 2:53 P.M.

Act No. 560

H. 638—Adams, Vacca

AN ACT

To validate, in certain cases, municipal corporations attempted to be organized under the laws of Alabama and invalid because of any irregularity in the procedure for incorporation.

Be It Enacted by the Legislature of Alabama:

Section 1. In all cases where there has heretofore been an attempt to organize the inhabitants of any territory as a municipal corporation under the provisions of Article 1 of Chapter 2 of Title 37 of the Code of Alabama of 1940, and the Judge of Probate of the county in which such territory is situated has made an order that the inhabitants of such territory are incorporated as a town or city, as the case may be, pursuant to Section 13 of Title 37 of said Code, but the attempted incorporation is invalid because of some irregularity in the procedure followed, the incorporation of any municipality so attempted to be organized, and with respect to which such order has been made, shall be and is hereby validated ab initio in accordance with the description of the territory attempted to be incorporated as the said description is contained in such order, or, if the description of the territory attempted to be incorporated is not contained in such order, in accordance with the description of said territory contained in the petition of the electors filed with said Judge of Probate, notwithstanding any failure to comply with the requirements respecting the signatures to or contents of the petition for incorporation, any irregularities as to publication or posting, or any other failure to comply with the procedures set forth in the said article or otherwise required by law; provided, that this Act shall not apply to the incorporation of any municipality held invalid by a court of competent jurisdiction by judgment entered prior to the effective date of this Act, or to the incorporation of any municipality the validity of which is an issue in any pending suit commenced prior to the effective date of this Act.

Approved September 9, 1955.
Time: 2:55 P.M.

Act No. 561

H. 334—Brannan

AN ACT

To make an appropriation of Nine Thousand Five Hundred Dollars (\$9,500.00) from monies in the State Treasury not otherwise appropriated to be used for control and eradication of the White Fringed Beetle.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of Nine Thousand Five Hundred Dollars (\$9,500.00) from monies in the State Treasury not otherwise appropriated which appropriation shall be used by the Department of Agriculture and Industries for control and eradication of the White Fringed Beetle, and such appropriation may be used for the payment of salaries, equipment purchases, and all other expenses necessary for control and eradication of the White Fringed Beetle, including the purchase of insecticides and other chemicals necessary for such work.

Section 2. This Act shall become effective immediately upon passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 2:56 P.M.

Act No. 562

S.J.R. 96—Reeves

SENATE JOINT RESOLUTION

RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, THAT H. B. No. 676, which has passed both Houses, be known and designated as "The Harrison, Reeves, Dement, Locke (Choctaw), Lee (Barbour), Ramey, McIlendon (Bullock), Ward, Brown (Lee), Thomas, Brannan, Brassell, and Johnson (Tallapoosa) Bill."

Approved September 9, 1955.

Time: 2:57 P.M.

Act No. 563

H. 190—Brannan

AN ACT

To amend Section 30, Title 51, Code of Alabama (1940), relating to the compensation of tax assessors.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 30, of Title 51, Code of Alabama 1940, be amended so as to read as follows:

"Section 30. — Tax Assessors commissions. — The tax assessor shall be entitled to receive from the tax collector, out of

the first money collected by him, giving duplicate receipts therefor, one of which receipts shall be forwarded to the comptroller by the tax collector, the following commissions: In counties where the collections, not including taxes on real estate bid in by the state at tax sales, and taxes which would be due on property except for the provisions of the law exempting homesteads from state taxes, do not exceed twelve thousand dollars, the rate shall be ten percent on the first five thousand dollars, five percent on the next four thousand dollars, and four percent on the remainder. The commission herein provided for is to be calculated on collections for real property and personal property, except motor vehicles, for the general fund of the state and county. In counties where collections, not including taxes on property bid in by the state at tax sales, and taxes which would be due on property except for the provisions of the presently applicable law exempting homesteads from state taxes, exceed twelve thousand dollars, the commission shall be as above declared up to twelve thousand dollars, and one and one-half percent on the remainder up to fifteen thousand dollars, and one percent on the remainder above fifteen thousand dollars. The commissions for assessment of taxes on motor vehicles for the general fund of the state and county shall be calculated on the same basis and at the same rate as provided for the assessment of taxes on real property and personal property other than motor vehicles for the general fund of the state and county. The amount of the commission on taxes which would be due on property except for the provisions of the presently applicable law exempting homesteads from state taxes shall inure to the benefit of the general fund of the state only, and shall be covered into the state treasury to the credit of said fund. He shall also be entitled to receive two percent on all collections made by the tax collector of special taxes, whether such special taxes be levied for the state or county, to be paid out of such special taxes. The tax assessor shall receive two percent commission on all special county or district taxes levied for school purposes; but he shall not receive such commissions on such special school taxes unless he has properly apportioned such special taxes.

In Jefferson county, no fees or commissions shall be allowed for assessing the three mill county school tax and the three mill district school tax.

In all counties having a population of 225,000 or more inhabitants according to the last or any subsequent decennial federal census the License Commissioner, Director of Revenue or other official now charged with the duty of assessing motor vehicles for ad valorem taxation shall continue to assess said motor vehicles for state and county ad valorem tax and all fees, charges and commissions for assessing state and county ad va-

lore tax on motor vehicles provided in Section 1 of this Act to be paid to Tax Assessor shall be paid to said License Commissioner, Director of Revenue or other official now charged with the assessing of motor vehicles for ad valorem taxes in such counties and he shall pay said commissions into the county treasury and all commissions collected by the Tax Assessor in such counties who is on a salary basis shall be paid into the county treasury and said commissions so collected and paid into the county treasury shall be the property of the county.

Section 2. After its passage and approval this act shall become effective in each county at the expiration of the term of the incumbent tax assessor. It shall apply only to the proceeds of taxes assessed and collected after its effective date.

Approved September 9, 1955.

Time: 2:58 P. M.

Act No. 564

H. 742—Murphy, Simon, Tyson

AN ACT

To designate the tarpon as the official Salt Water Fish of Alabama.

WHEREAS, the tarpon displays a tremendous fighting spirit and is truly the "Silver King" among the game fish of the world; and

WHEREAS, the beautiful waters of the Gulf of Mexico off the coast of Alabama, which is the site of the annual Alabama deep sea fishing rodeo, present one of the most bountiful fishing areas in the world, wherein the magnificent tarpon is prevalent in great numbers; and

WHEREAS, fishing for tarpon off the coast of Alabama has attracted thousands of visitors from many states; and

WHEREAS, these visitors have returned to their homes praising the fighting ability of the tarpon caught off the coast of Alabama, and commending the warmth and hospitality extended them by the citizens of Alabama during their visits here, thereby affording this State invaluable publicity and good will; now therefore

Be It Enacted by the Legislature of Alabama:

Section 1. The tarpon is hereby designated and named the official State Salt Water Fish of Alabama.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 3:00 P.M.

Act No. 565

H. 626—Hain, Hardy, Molette, Albea

AN ACT

Relating to the management of public records of the state, or any political subdivision thereof; providing for the photographing or microphotographing of public records and for the admissibility in evidence of photographed or microphotographed copies of records required to be kept by public officers, and for the defrayment of the cost incurred for the purchase or lease of photographic or microphotographic equipment; and creating a state records commission and a county records commission to regulate the destruction or disposal of public records.

Be It Enacted by the Legislature of Alabama:

Section 1. The head of any office, court, commission, board, institution, department, or agency of the state, or of any political subdivision thereof, may cause any record, document, plat, court file, books, maps, paper, or writing made, acquired, or received as required by law to be photographed or microphotographed, on plate or film. Such photographs, microfilms, or prints made therefrom, when duly authenticated by the custodian thereof, shall have the same force and effect at law as the original record, or of a record made by any other legally authorized means, and may be offered in like manner and shall be received in evidence in any court where such original record, or record made by other legally authorized means, could have been so introduced and received. Provided, however, that the provisions of this Act shall not apply to the State Department of Public Welfare, the State Health Department, the State Board of Health, the State Department of Industrial Relations, or to any other office, court, commission, board, institution, department, or agency of the State which is otherwise authorized by law to provide for the photographing or microphotographing of its records.

Section 2. The photographing or microphotographing of public records, except the public records of counties, municipalities, and other political subdivisions of the State of Alabama, shall be centralized in the Department of Archives and History. The Department of Archives and History is authorized to charge any office, court, commission, board, institution, department, or agency of the state for the photographing or microphotographing of public records belonging to that office, court, commission, board, institution, department, or agency. Such charge shall be on a cost basis.

Section 3. The board of revenue, court of county commissioners, or like governing body of any county or municipality may appropriate an amount sufficient to cover the cost of photographing or microphotographing the public records belonging to that county or municipality.

Section 4. The Department of Archives and History is hereby authorized to purchase or lease photographic or microphotographic equipment and supplies necessary to carry out

the duties prescribed in this Act. There is hereby appropriated out of the general fund of the State an amount sufficient to cover the cost of purchase or lease of such equipment and supplies, such appropriation to be released only upon the approval of the Governor.

Section 5. There is hereby created a state records commission consisting of seven members as follows: The director of the department of archives and history, who shall be chairman of the commission; the chief examiner of the department of examiners of public accounts; the attorney general; the secretary of state; the commissioner of the department of revenue; one member from the University of Alabama to be designated by the head of the department of history; one member from the Alabama Polytechnic Institute to be designated by the head of the department of history. The representatives of the University of Alabama and the Alabama Polytechnic Institute may be removed at any time. No salary or compensation shall be allowed any member of the commission except actual and necessary expenses incurred in the performance of his duties. The commission shall hold regular quarterly meetings in January, April, July, and October of each year, and at other times upon the call of the chairman.

Section 6. The state records commission shall be charged with the responsibility of determining which state records shall be permanently preserved because of historical value, and which state records may be destroyed or otherwise disposed of after they have been microfilmed. The commission may classify the different types of records accordingly. No state officer or agency head shall cause any state record to be destroyed or otherwise disposed of without first obtaining the approval of the state records commission.

Section 7. There is hereby created a county records commission consisting of eleven members as follows: The director of the department of archives and history, who shall be the chairman of the commission; the chief examiner of the department of examiners of public accounts; the attorney general; one member from the University of Alabama to be designated by the head of the department of history; one member from the Alabama Polytechnic Institute to be designated by the head of the department of history; two probate judges, two county tax assessors, one register in equity, and one circuit clerk, to be appointed by the Governor. The representatives of the University of Alabama and the Alabama Polytechnic Institute, the probate judges, the tax assessors, the register, and the circuit clerk may be removed at any time. No salary or compensation shall be allowed any member of the commission except actual and necessary expenses incurred in the performance of his duties. The commission shall hold regular

quarterly meetings in January, April, July, and October of each year, and at other times upon the call of the chairman.

Section 8. The county records commission shall be charged with the responsibility of determining which county records shall be permanently preserved because of historical value, and which county records may be destroyed or otherwise disposed of after they have been microfilmed. The commission may classify the different types of records accordingly. No county official shall cause any county record to be destroyed or otherwise disposed of without first obtaining the approval of the county records commission.

Section 9. No state or county official or employee shall destroy, dispose of, or cause to be destroyed or disposed of, and public record that has been microfilmed under the provisions of this Act until the microfilm copy has been processed and checked with the original for accuracy.

Section 10. Both the State records commission and the county records commission are hereby empowered to conduct surveys of public records in carrying out the provisions of this Act. Both commissions shall from time to time issue regulations classifying all public records, and prescribe the period for which records of each class shall be retained. Such records may be permanent or for a lesser number of years. Such regulations may from time to time be amended or repealed. Prior to issuing such regulations, both the state records commission and the county records commission shall consider.

(1) Actions at law and administrative proceedings in which the production of public records might be necessary or desirable;

(2) State and Federal statutes of limitation applicable to such actions or proceeding;;

(3) The availability of information contained in public records from other sources;

(4) The actual or potential historical value of certain public records;

(5) Such other matters as the commissions shall deem pertinent in order that public records be retained for as short a period as is commensurate with the interests of the public.

Section 11. The actual and necessary expenses of the county officials who are members of the county records commission shall be paid by their respective counties. The actual and necessary expenses of the representatives of the University of Alabama and the Alabama Polytechnic Institute who are members of either the state records commission or the county records commission shall be paid by their respective institutions.

Section 12. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 13. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 3:05 P.M.

Act No. 566

H. 255—Money, Cox, Burkhalter,
Lee (Lawrence)

AN ACT

To provide further for acquiring rights of way for state roads.

Be It Enacted by the Legislature of Alabama:

Section 1. Any other provision of law to the contrary notwithstanding, the State Director of the Highway Department shall have authority to acquire the rights of way deemed necessary by the Highway Department for the construction of a state road, either by purchase or by the exercise of the right of eminent domain in condemnation proceedings as provided under the laws of this State; or the county or municipality in which such road deemed necessary by the State Director of the Highway Department is located shall acquire such rights of way deemed necessary by the State Director of the Highway Department, when requested to do so by said State Highway Director. Should the county or municipality fail or refuse to acquire said rights of way, the State Director of the Highway Department shall have authority to acquire such rights of way as first above authorized. Rights of way acquired under the provision of this Act shall be paid for in the manner prescribed by law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor.

Approved September 9, 1955.

Time: 3:06 P.M.

Act No. 567

H. 189—Brannan

AN ACT

To amend Section 191, Title 51, Code of Alabama (1940), relating to the compensation of tax collectors.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 191 of Title 51, Code of Alabama 1940 be amended so as to read as follows:

"Section 191. Tax Collectors commission.—The tax collector shall be entitled to receive commissions on taxes collected by him, not including taxes on real estate bid in by the state at tax sales and taxes which would be due on property except for the provisions of the presently applicable law exempting homesteads from state taxes, as follows; In counties where collections, not including taxes on real estate bid in by the state at tax sales, and taxes which would be due on property except for the provisions of the presently applicable law exempting homesteads from state taxes, do not exceed twelve thousand dollars, the rate of commission shall be ten percent on the first five thousand dollars, five percent on the next four thousand dollars, and four percent on the remainder. The commission herein provided for is to be calculated on collections for real property and personal property except motor vehicles, for the general fund of the state and county. In counties where the collections, not including taxes on real estate bid in by the state at tax sales, and taxes which would be due on property except for the provisions of the presently applicable law exempting homesteads from state taxes, exceed twelve thousand dollars, the commissions shall be as above declared up to twelve thousand dollars, and one and one-half percent on the remainder up to fifteen thousand dollars, and one percent on the remainder above fifteen thousand dollars. The commissions for collections of taxes on motor vehicles for the general fund of the state and county shall be calculated on the same basis and at the same rate as provided for the collections on real property and personal property other than motor vehicles, for the general fund of the state and county. The amount of the commissions on taxes which would be due on property except for the provisions of the presently applicable law exempting homesteads from state taxes shall inure to the benefit of the general fund of the state only, and shall be covered into the treasury to the credits of said fund. He shall also be entitled to receive two percent on all collections made by him of special taxes, whether such special taxes be levied for the state or county, to be paid out of such special taxes. The tax collector shall receive two percent commissions on all special county or district taxes levied for school purposes. The Collector may retain his commissions upon collections when he makes payment into the treasury.

In Jefferson County, no fees or commissions shall be allowed for collecting the three mill county school tax and the three mill district school tax.

In all counties having a population of 225,000 or more inhabitants according to the last or any subsequent decennial federal census the License Commissioner, Director of Revenue or other official in such counties now charged with the duty

of collecting ad valorem taxes due the state and county on motor vehicle shall continue to collect said ad valorem tax due the state and county on motor vehicles and all fees, charges and commissions for collecting said ad valorem tax on motor vehicles provided in Section 1 of this Act to be paid to Tax Collector shall be paid to said License Commissioner, Director of Revenue or other official now charged with the collection of said ad valorem tax on motor vehicles in such county and he shall pay said commissions into the county treasury and all commissions collected by the Tax Collector in such counties who is on a salary basis shall be paid into the county treasury and said commissions so collected and paid into the county treasury shall be the property of the county."

Section 2. After its passage and approval, this act shall become effective in each county at the expiration of the term of the incumbent tax collector. It shall apply only to the proceeds of taxes assessed and collected after its effective date.

Approved September 9, 1955.

Time: 3:08 P.M.

Act No. 568

H. 857—Hawkins, Hanby

AN ACT

To amend further Section 425 of Title 51, Code of Alabama (1940), as amended, which relates to the excise tax on financial institutions, so as to allow financial institutions to carry back their net operating losses to apply as a deduction against prior income, and to deduct from succeeding years' income the excess loss, if any, not absorbed thereby.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 425 of Title 51, Code of Alabama (1940), as amended, which relates to the excise tax on financial institutions, is amended further to read as follows:

"Section 425. When used in this schedule, the following terms shall have the following meanings: (a) "Financial institution" shall mean and include any person, firm, corporation, and any legal entity whatever doing business in this state as a national banking association, bank, banking association, trust company, industrial or other loan company, building and loan association and shall likewise include any other institution or person employing moneyed capital coming into competition with the business of national banks, and shall apply to such person or institution regardless of what business form and whether or not incorporated, whether of issue or not, and by whatsoever authority existing. "Financial institution" shall not mean or include individual citizens and fiduciaries acting in a representative capacity for individual citizens,

not engaged in a banking, loan, investment or similar business, but merely making personal investments of personal or fiduciary funds in bonds, notes, or other evidences of indebtedness and not made in competition with the business of national banks, nor shall such term apply to insurance companies or insurance associations making merely investments of reserves in bonds, notes, or other evidences of indebtedness and not made in competition with the business of national banks. (b) "Net income" shall mean and include the net income for the taxable year, as in this title defined, arising from the business the privilege to engage in which is hereby taxed computed by deducting from the gross income arising from such business, without any exclusions from or credit to such gross income, the total amount of the following deductions: (1) All the ordinary and necessary expenses paid or incurred during the year the income is received which is made the basis of the tax in carrying on the business, the privilege to engage in which is hereby taxed, including a reasonable allowance for salaries or other compensation for personal service actually rendered; also all contributions paid by a financial institution as employer to or under a stock bonus, pension, profit-sharing or annuity plan, or if compensation is paid or accrued on account of any employee of any financial institution under the plan deferring the receipt of such compensation such contributions or compensation shall be deductible, but only to the following extent: (A) In the taxable year when paid, if the contributions are paid into a pension trust, and if such taxable year ends within or with a taxable year of the trust for which the trust is exempt under section 392 of Title 51 in an amount determined as follows: (i) An amount not in excess of 5 per centum of the compensation otherwise paid or accrued during the taxable year to all the employees under the trust, but such amount may be reduced for future years if found by the commissioner of revenue upon periodical examinations at not less than five year intervals to be more than the amount reasonably necessary to provide the remaining unfunded cost of past and current service credits of all employees under the plan, plus (ii) any excess over the amount allowable under clause (i) necessary to provide with respect to all of the employees under the trust the remaining unfunded cost of their past and current service credits distributed as a level amount, or a level percentage of compensation, over the remaining future service of each such employee, as determined under regulations prescribed by the commissioner of revenue, but if such remaining unfunded cost with respect to any three individuals is more than 50 per centum of such remaining unfunded cost, the amount of such unfunded cost attributable to such individuals shall be distributed over a period of at least 5 taxable years, or (iii) in lieu of the amounts allowable under (i) and (ii) above, an amount equal to the normal cost

of the plan, as determined under regulations prescribed by the commissioner of revenue plus, if past service or other supplementary pension or annuity credits are provided by the plan, an amount not in excess of 10 per centum of the cost which would be required to completely fund or purchase such pension or annuity credits as of the date when they are included in the plan, as determined under regulations prescribed by the commissioner of revenue, except that in no case shall a deduction be allowed for any amount (other than the normal cost) paid in after such pension or annuity credits are completely funded or purchased. (iv) Any amount paid in a taxable year in excess of the amount deductible in such year under the foregoing limitations shall be deductible in the succeeding taxable years in order of time to the extent of the difference between the amount paid and deductible in each succeeding year and the maximum amount deductible for such year in accordance with the foregoing limitations. (B) In the taxable year when paid, in an amount determined in accordance with subparagraph (A) of this paragraph, if the contributions are paid toward the purchase of retirement annuities and such purchase is a part of a plan which meets the requirements of subsection (5) of section 392 of Title 51, and if refunds of premiums, if any, are applied within the current taxable year or next succeeding taxable year towards the purchase of such retirement annuities. (C) In the taxable year when paid, if the contributions are paid into a stock bonus or profit-sharing trust, and if such taxable year ends within or with a taxable year of the trust with respect to which the trust is exempt under subsection (5) of section 392 of Title 51, in an amount not in excess of 15 per centum of the compensation otherwise paid or accrued during the taxable year to all employees under the stock bonus or profit-sharing plan. If in any taxable year beginning after the approval of this act by the governor there is paid into the trust, or a similar trust then in effect, amounts less than the amounts deductible under the preceding sentence, the excess, or if no amount is paid, the amounts deductible shall be carried forward and be deductible when paid in the succeeding taxable years in order of time, but the amount so deductible under this sentence in any such succeeding taxable year shall not exceed 15 per centum of the compensation otherwise paid or accrued during such succeeding taxable year to the beneficiaries under the plan. In addition, any amount paid into the trust in a taxable year beginning after the approval of this act by the governor in excess of the amount allowable with respect to such year under the preceding provisions of this subparagraph shall be deductible in the succeeding taxable years in order of time, but the amount so deductible under this sentence in any one such succeeding taxable year together with the amount allowable under the first sentence of this subparagraph shall not exceed 15 per

centum of the compensation otherwise paid or accrued during such taxable year to the beneficiaries under the plan. The term "stock bonus or profit-sharing trust", as used in this subparagraph, shall not include any trust designed to provide benefits upon retirement and covering a period of years, if under the plan the amounts to be contributed by the employer can be determined actuarially as provided in subparagraph (A). If the contributions are made to two or more stock bonus or profit-sharing trusts, such trusts shall be considered a single trust for the purposes of applying the limitation in this subparagraph. (D) In the taxable year when paid, if the plan is not one included in subparagraphs (A), (B) or (C), if the employees' rights to or derived from such employer's contribution or such compensation are nonforfeitable at the time the contribution or compensation is paid. (E) For the purposes of subparagraphs (A), (B) and (C), a taxpayer on the accrual basis shall be deemed to have made a payment on the last day of the year of accrual if the payment is on account of such taxable year and is made within sixty days after the close of the taxable year of accrual. (F) If amounts are deductible under subparagraphs (A) and (C), or (B) and (C), or (A), (B) and (C), in connection with two or more trusts, or one or more trusts and an annuity plan, the total amount deductible in a taxable year under such trusts and plans shall not exceed 25 per centum of the compensation otherwise paid or accrued during the taxable year to the persons who are the beneficiaries of the trusts or plans. In addition, any amount paid into such trust or under such annuity plans in a taxable year beginning after the approval of this act by the governor in excess of the amount allowable with respect to such year under the preceding provisions of this subparagraph shall be deductible in the succeeding taxable years in order of time, but the amount so deductible under this sentence in any one such succeeding taxable year together with the amount allowable under the first sentence of this subparagraph shall not exceed 30 per centum of the compensation otherwise paid or accrued during such taxable years to the beneficiaries under the trusts or plans. This subparagraph shall not have the effect of reducing the amount otherwise deductible under subparagraphs (A), (B), and (C), if no employee is a beneficiary under more than one trust or a trust and an annuity plan. If there is no plan but a method of employer contributions or compensation has the effect of a stock bonus, pension, profit-sharing, or annuity plan, or similar plan deferring the receipt of compensation, this paragraph shall apply as if there were such a plan. Also, all contributions or gifts made by financial institutions to a community chest or to recognized religious, charitable, scientific or educational institutions or agencies, or to institutions or agencies for the prevention of cruelty to children or animals, which

are not operated for profit and no part of the net earnings of which inures to the benefit of any private stockholder or individual, or contributions or gifts for vocational rehabilitation authorized by the United States Vocational Rehabilitation Act. The amount of such deduction shall not be, however, in excess of 5% of the financial institution's net income as computed without the benefit of this subsection. Such contributions or gifts shall be allowable as deductions only where made to a community chest or institution or agency recognized as such for the above purposes under rules and regulations prescribed by the department of revenue. Traveling expenses including a reasonable amount expended for meals and lodgings while away from home in the necessary business of such institutions; rentals or other payments required to be made as the condition to the continued use or possession for the purposes of such business, of property to which the taxpayer has not taken or is not taking title or in which the taxpayer has no equity, provided the amount and the reasonableness of all such expenditure shall be approved by the state department of revenue.

(2) All interest paid or accrued within the taxable year on the indebtedness of said business. Also, all dividends paid or accrued within the taxable year on the shares of preferred stock held or owned by reconstruction finance corporation or any other governmental agency. (3) Taxes actually paid within the year in which the income on which the tax is based was received, except the excise tax imposed by this chapter and taxes assessed against local benefits of a kind tending to increase the value of the property assessed. (4) Losses sustained and determined during the taxable year by the business and not compensated for by insurance or otherwise.

(a) The basis for determining the amount of any loss or gain shall be the cost to the financial institution of the asset disposed of less the actual depreciation sustained on physical asset and any reduction charged as an expense upon stocks, bonds or other securities in previous years. (b) No loss shall be allowable unless the property is actually disposed of and the loss thereby determined or an appraisal of the loss is made and allowed under the supervision of the department of revenue, except as herein provided. (5) Debts ascertained to be worthless and charged off within the taxable year. Provided, however, that a schedule of such debts shall be filed and the reasons supporting such claim for deduction be filed with the return. Provided, further, that bad debts shall not include losses on stocks and bonds or a reduction in the market value of such stocks and bonds except where loss is determined by the sale of such securities. Provided, however, in the case of any financial institution required by law to be examined by state, federal, or federal reserve bank examiners, such debts can be charged off and to such an amount or extent as required to be charged off by state, federal, or federal reserve

bank examiners. And provided further that any reduction in the book value of any stocks or bonds carried on the books of any such financial institution required by any state, federal, or federal reserve bank examiners shall be allowed as proper deductions by the state department of revenue. Provided, further, that on the sale of any securities, the book value of which has been reduced on the requirement of such examiners, and the reduction so made claimed as a deduction, accomplishing a reduction of the tax paid, any excess of the sale price over said book value of such securities shall be reflected as income and subject to the excise tax levied by this chapter. Provided, further, that when in the opinion of state, federal, or federal reserve bank examiners a debt is recoverable only in part and when a part of such debt is charged off by requirement of state, federal, or federal reserve bank examiners, the department of revenue shall allow a deduction in an amount equal to the amount of such charge-off. (6) A reasonable allowance for the exhaustion, wear and tear of property used in the business, including a reasonable allowance for the obsolescence. The basis for determining the amount of such depreciation deduction shall be the cost of such property, or if acquired prior to October 15, 1935 the basis shall be the depreciated cost as of October 1, 1935. (7) The amount received as dividends from a corporation organized and existing under the laws of the State of Alabama and the amount received as dividends in liquidation paid from capital. (8) In the discretion of the department of revenue, in lieu of such deductions for losses or bad debts, a reasonable addition to reserves therefor and for extraordinary expenses. (9) In the case of saving and loan associations the amount paid out as dividends on the withdrawable shares thereof. (10) In computing the net income of credit unions for the purpose of the excise tax levied by this chapter, there shall in addition to all other deductions allowed by law, be deducted the amount paid out as dividends on the withdrawable shares of such credit union. (11) All financial institutions shall be allowed to carry back their net operating losses to apply as a deduction against prior income, and to deduct from succeeding years' income the excess loss, if any, that is not absorbed thereby. For purposes of this subdivision, the term "net operating loss" means the excess of allowable deductions over gross income. No net operating loss deduction (arising out of a net loss in an earlier or later year) shall be allowed in computing a net operating loss. Casualty losses, and losses arising from theft, fraud, and embezzlement, however, shall be deductible in computing the net operating loss. A net operating loss for a taxable year ending after the year 1952 may be carried back two years, then forward to the eight succeeding taxable years in chronological order; provided, that no part of the net operating loss which has been previously applied against income for one taxable year

may be applied as a carryback or carryover to another taxable year. The net operating loss deduction allowed herein shall be the sum of the carrybacks and carryovers applicable to the taxable year. A successor financial institution shall be allowed to carry over and deduct from succeeding years' income, in the manner prescribed herein, the net operating loss of its predecessor. Any amount refunded under the provisions of this subdivision shall be considered as expenses of administration for the year in which the refund is made. (c) "Taxable year" shall mean a full period of twelve consecutive months constituting the fiscal year or calendar year of each financial institution ended last prior to April 1, 1935, and thereafter ended last prior to April first of each year in which such tax is to be assessed. In the case of any business hereby taxed conducted only during a fractional period in any year return shall be made as herein provided and the tax computed as herein provided and such tax as assessed shall be an excise for the privilege of doing business in this state for such fractional year. (d) "State tax year shall mean the calendar year."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 4:30 P.M.

Act No. 569

H. 714—Edwards (Escambia)

AN ACT

For the relief of S. H. Park of Tuscaloosa: To make an appropriation of highway department funds to reimburse S. H. Park for sums expended for medical care and treatment on account of personal injuries suffered by him on or about October 23, 1950, while the said S. H. Park was acting within the line and scope of his employment with the State Highway Department.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of five hundred twenty-five dollars and eighty-six cents is hereby appropriated from any unpledged funds in the state treasury to the credit of the State Highway Department, to the use and benefit of S. H. Park of Tuscaloosa, as reimbursement for expenses incurred by him for medical care and treatment on account of personal injuries sustained by him on or about October 23, 1950, while acting within the line and scope of his employment with the State Highway Department, for the recovery of which the said S. H. Park has no right of action or legal recourse.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.
Time: 8:23 A.M.

Act No. 570

H. 377—Hall, Dawkins

AN ACT

Regulating further the testing, inspecting, and grading of milk, cream, and milk products with respect to the public health; prescribing certain duties and authority of the Department of Agriculture & Industries, the Commissioner of Agriculture and Industries, and the State Board of Health; providing for the cooperation and exchange of information between the Department of Agriculture & Industries, the State Board of Health, and the Alabama State Milk Control Board in the making of any surveys, investigations, and inquiries made for the purpose of determining whether or not, or in what manner, the production, processing, and distributing of milk, cream, and milk products may affect the public health; prescribing conditions and requirements for milk transported into Alabama from other states; and prescribing a penalty for violations of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. DECLARATION OF PURPOSE: The purpose of this Act is to more effectively utilize the existing agencies or departments of the State of Alabama in regulating production, processing, and distribution of milk and milk products to the end that the inhabitants of this State will be supplied with a wholesome and healthful supply of milk, cream, milk products, and by-products thereof. It is, therefore, declared to be in the public interest that milk and milk products be produced, processed, and distributed and otherwise handled under requirements as hereinafter provided for and as otherwise provided by law.

Section 2. COOPERATION BETWEEN DEPARTMENTS. There shall be the fullest cooperation and in the making available of information between the State Department of Agriculture & Industries, the State Board of Health, and the Alabama State Milk Control Board in the making of surveys, investigations, and inquiries to be made for the purpose of determining whether, or in what manner, the production, processing, and distribution of milk, cream, and milk products may affect the public health. Whenever the findings in the report of any survey, investigation, or inquiry made by the Department of Agriculture & Industries, the State Board of Health, or the Alabama State Milk Control Board show any hazard to public health existing incident to the production, processing, or distribution of milk, cream, or milk products, the State Board of Health shall take such action as may be necessary to remove such hazard; the Commissioner of Agriculture & Industries may also take such action as may be necessary to remove such hazard under authority provided in Sections 3 and 5 of this Act. Pro-

vided, that nothing contained in this Act shall limit the authority of the State Board of Health to take immediate action when it appears necessary in the interest of public health. Provided, further, that nothing contained in this Act shall be construed to limit or affect the authority and jurisdiction conferred on the Alabama State Milk Control Board under the provisions of Chapter 7 of Title 22, Code of Alabama (1940) and any amendments thereto.

Section 3. MILK TRANSPORTED INTO ALABAMA: No milk shall be shipped or transported into the State of Alabama from another state unless such milk is produced and handled under sanitary conditions no less adequate in protection of public health than milk produced in the State of Alabama and authority for shipping or transporting such milk into the State of Alabama must be authorized by permits as provided in Act No. 65, Legislature of 1955 (2nd Special Session) and must be authorized by permit by the Commissioner of Agriculture & Industries and said Commissioner is hereby authorized to issue or revoke such permits as have been issued by the Commissioner of Agriculture under rules and regulations adopted under the provisions of this Act providing for a method of ascertaining the conditions under which such milk shipped into the State of Alabama was produced and handled. Any milk shipped into the State of Alabama in violation of the provisions of this section or rules and regulations promulgated under this Act shall be suspended from sale, seized, and condemned in accordance with the procedure set forth under Article 33, Title 2, Code of Alabama 1940.

Section 4. STATE AND LOCAL BOARDS OF HEALTH: Nothing contained in this Act or rules and regulations promulgated thereunder shall be construed to invade the domain of the public health laws, regulations, or ordinances, nor restrict the powers and authority of the State Board of Health, the County Boards of Health or any city or town in the State of Alabama, but is supplemental thereto for the accomplishment of this Act.

Section 5. AUTHORITY AND DUTY OF THE COMMISSIONER: The Commissioner of Agriculture & Industries, inspectors, employees, and agents of the Department of Agriculture & Industries, shall have power and authority to enter upon any premises where milk being or having been shipped or transported into the State of Alabama is processed, bottled, collected, cooled, or otherwise handled, or to stop and inspect any truck or other vehicle transporting milk into this State except as hereinafter provided to be sold or offered for sale in this State and to make such investigations, examinations, or inspections as may be necessary to determine whether such milk, cream, milk products, or by-products thereof being shipped

or transported into this State are produced, distributed, processed, or otherwise handled in accordance with the requirements of this Act and rules and regulations promulgated thereunder. Such power and authority shall also include authority to examine records of any milk processing establishment for the purpose of determining the origin or place of production of milk handled at such establishment to the end that it may be determined whether such milk is produced and handled in accordance with the requirements of this Act. All information received by the Commissioner of Agriculture and Industries or any employee, official, or agent of said Commissioner as a result of the examination of records of any milk process establishment shall be regarded and considered confidential and it shall be unlawful for any official, employee, or agent of the Commissioner of Agriculture and Industries to reveal any of said confidential information. It shall be unlawful for any person to resist, prevent, or refuse to allow the Commissioner of Agriculture & Industries, inspectors, employees, or agents of the Department of Agriculture & Industries entrance or access to the premises as authorized hereunder or to otherwise interfere or prevent such official or employee from carrying out the provisions of this Act.

Section 6. RULES AND REGULATIONS. The Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture and Industries, is authorized to promulgate and adopt rules and regulations to effectuate the evident intent and purposes of this Act. Provided, however, that all rules and regulations promulgated hereunder shall be in writing and said rules and regulations shall become effective thirty days after a copy of the same has been posted in the office of the Commissioner. The Commissioner shall mail a copy of all such rules and regulations to each holder of a permit issued hereunder addressed to such permit holder at his last known address. No rule or regulation under the authority of this Act shall become effective prior to the expiration of thirty days from the date of its promulgation and posting as aforesaid. Permits issued pursuant to this Act shall be issued on a semi-annual basis and may be suspended or revoked by the Commissioner of Agriculture and Industries for any good and sufficient cause.

Section 7. PENALTY: Any person, firm, corporation, or association who shall violate any of the provisions of this Act or who fails to perform any duty or requirement imposed by the provisions of this Act or who violates any rules or regulations duly promulgated thereunder shall be guilty of a misdemeanor and punished as now prescribed by law for such offenses.

Section 7A. The Commissioner shall issue to each person,

firm, or corporation who at the effective date of this Act holds a permit issued under the authority of Act No. 65 of the Second Special Session of the Legislature of 1955, a permit for a semi-annual period as authorized by this Act, upon the application of such person, firm, or corporation; and the Commissioner shall have no authority to revoke a permit so issued to any such person, firm, or corporation, until an inspection of the premises has been made by the Commissioner or by an employee of the Department of Agriculture and Industries. Revocation must be in writing and no permit shall be revoked except for violations of rules and regulations promulgated under the provisions of this Act. Any revocation of a permit shall not become effective until three days after the order of revocation has been delivered to the permit holder. Delivery of the notice may be made by registered or certified mail as provided by law for service in equity cases.

No milk in transit can be stopped, seized, or condemned by the Commissioner unless said milk has been produced, processed, or delivered by a person, firm, or corporation who does not hold a permit under the provisions of this Act or by a licensee under this Act whose permit has been previously revoked for cause.

Any person affected by any order or action of the Commissioner of Agriculture authorized by this Act, who deems himself aggrieved by any such order or action, may within 15 days after receiving notice of such order or action have such order or action reviewed by appeal to the Circuit Court of Montgomery County, Alabama, by filing a petition setting out the specific order or action or any part thereof whereby said person deems himself aggrieved and shall present to said Court such testimony as shall be deemed necessary to support such grievance. All such petitions shall be given preferred settings and shall be heard by the Court as speedily as possible. The appeal shall be perfected upon posting of a bond for costs of the appeal, accompanied by the petition.

Section 8. SEVERABILITY: The provisions of this Act are severable. If any of the provisions of this Act, or the application thereof to any person or circumstances is declared invalid or unconstitutional, such declaration shall not affect other provisions or applications of the Act and the part that remains.

Section 9. REPEAL OF CONFLICTING LAWS: All laws and parts of laws in conflict herewith are hereby expressly repealed.

Section 10. EFFECTIVE DATE: This Act shall become effective on a date thirty (30) days after its passage and approval by the Governor, or thirty (30) days after its otherwise becoming a law.

Approved September 9, 1955.
Time: 10:20 A.M.

Act. No. 571

H. 676—Harrison, Dement, Locke (Choctaw), Lee (Barbour), Ramey, McLendon (Bullock), Ward, Brown (Lee), Thomas, Brannan, Braswell, Johnson (Tallapoosa), deGraffenried, Ashworth, Vacca, Selman.

AN ACT

To amend Sections 34 and 100 of Title 11, which relate to the fees and allowances of sheriffs.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 34 of Title 11, Code of Alabama (1940) is hereby amended to read as follows:

“Sheriffs are entitled to receive the following fees for the following services:

“Services rendered in the incorporation of towns under the provisions of this Code, to be paid by the corporation . . . \$ 5.00

“Serving and returning an application to perpetuate testimony, to be paid by the applicant 1.00

“Services in proceedings to incorporate railroads under the laws of this state; such fees as are usually allowed in civil proceedings.

“Services in cases of arbitration under the provisions of this Code, the customary fees for executing subpoenas, which must be paid jointly by the parties unless the arbitrators otherwise determine.

“Services in relation to persons of unsound mind, the same fees as are allowed for similar services in other cases, to be paid out of the county treasury, if such persons have no estate.

“Levying attachment 6.00

“Entering and returning the same25

“Summoning garnishee and making return 1.50

“Selling property attached, the same as for selling under execution.

“Serving summons and other mesne process, and returning the same, one dollar fifty cents, plus ten cents per mile for each mile traveled in serving same.

"Summoning each witness and returning subpoenas	.75
"Impaneling a jury, in each case where a jury is sworn	.75
"Executing a writ of possession	5.00
"Making a deed to real estate sold	2.50
"Serving summons and making return in cases of forcible entry and detainer and unlawful detainer	1.50
"Executing writ of restitution in such cases	5.00
"Other services in such cases, the same fees as in circuit court.	
"Collecting execution for cost only	1.50
"Summoning a jury for any inquisition in the county, or under a writ of ad quod damnum, or dower, and attending on such jury, and taking inquest, per day, when no other provision is made by law	5.00
"Serving subpoenas on bills in chancery proceedings, and returning the same, for each defendant	1.50
"Serving scire facias, or notice in the nature thereof, and returning the same	1.50
"But no fee shall be charged by him for serving a scire facias on a defendant, juror or witness, when the same has been excused by the court without terms.	
"Serving any summons not herein provided for, and making return	1.50
"Serving attachment for contempt of court, or rule to show cause	1.50
"Taking and approving bonds of every kind	2.00
"Collecting money under execution: For the first two hundred dollars, five percent; for collecting all sums over two hundred dollars, up to and including five hundred dollars, four percent; and for collecting all sums in excess of five hundred dollars, three percent; but no commission shall be collected on costs.	
"Levying execution when sale is stayed after levy by a restraining order, one-half of the commission for selling under execution, to be paid by the party obtaining the order, to be taxed for his benefit, if successful, against the adverse party on the termination of the suit.	
"When an attachment is by him levied on personal property, which is replevid, or the cause is settled without suit, he is entitled to one-half of the commissions upon the amount of the	

demand sued for, allowing him for making money on execution, to be paid by the party paying such demand, or replevying such property; and, if such demand is afterwards collected upon execution, or other final process he must receive only one-half of the commissions; and if the plaintiff fails to obtain judgment, the amount so paid on the replevy of the property must be taxed as costs against him, and collected for the benefit of the defendant.

“Attendance upon the probate court when a jury is in attendance, or upon the circuit court when a jury is in attendance, each day, to be paid out of the county treasury 6.00

“And the clerk after adjournment of each session of such court shall certify to the court of county commissioners the number of days the sheriff so attended and the amount of his compensation therefor shall be drawn in favor of the sheriff on the county treasury.

“Discharging his duties in relation to the public roads, he is entitled to receive annually, on showing to the court of county commissioners that he has discharged his duties, to be paid out of the county treasury, not exceeding 90.00

“Services under the provisions of this Code for the erection of dams and public mills: For the service of each writ, application or notice, and return thereon, fifty cents; for summoning a jury and attending and charging the same, and returning their inquest, five dollars, to be paid by the applicant before any other proceedings are had; for serving subpoenas and other services, the same fees as in other cases, to be paid by the unsuccessful party, for which execution may issue.

“Seizing personal property under writ of detinue 6.00

“Taking care of such property, such just compensation as the court may fix.

“Impaneling grand juries, advertising and attending all elections, in his county, and for all other public services not otherwise provided for, such sums as may be just, to be allowed by the county commissioners court, upon presentation of a verified account showing the items of service rendered, to be paid out of the county treasury, not exceeding six hundred dollars per annum.

“For serving notice upon elector to show cause why his name should not be stricken from registration list65

“When the sheriff is required by law to serve any process or paper by delivery to a person, he shall receive ten cents per mile for each mile traveled in serving same.

“In all counties in this state where the sheriff is on a salary or whose compensation is paid out of the county treasury

he shall collect such fees and shall remit the same to the treasury of said county."

Section 2. Section 100 of Title 11, Code of Alabama (1940) is hereby amended to read as follows:

"Sheriffs are entitled to the following fees and allowances in criminal cases—that is to say:

"For executing search warrant by day	1.00
"For executing search warrant by night	2.00
"For executing warrant or writ of arrest in misdemeanor cases	5.00
"For executing warrant or writ of arrest in felony cases	5.00
"For each bond or undertaking returned to court	2.00
"For serving each subpoena, notice, or scire facias75
"For summoning jury in capital case, or at any special court for the trial of criminal to be paid out of the county treasury	5.00
"For attendance each day on the circuit or county court, to be paid by the county	6.00
"For levying and making money on execution for costs	1.00
"For each lawful commitment of a prisoner to jail	2.00
"For serving warrant on person charged with knowingly concealing or harboring person belonging to ship or vessel	3.00
"For levying execution, and making money on judgments against defaulting jurors, witnesses, bail, and defendants, and on judgments confessed under section 339 of title 15 the same fees as in civil cases.	

"For removing any prisoner in cases where there is no jail in the county in which the offense is committed, or the jail therein is insecure, to the jail of another county, and for returning him to the jail of the county from which he was removed or to court for trial, eight dollars for himself or his deputy acting in his stead, and eight dollars for each guard for each day they are respectively engaged in such removal, together with the actual necessary traveling expenses of himself or deputy, and guard or guards, and prisoner or prisoners, while on the trip, by the nearest route usually traveled between the points from and to which such removal is made, (if the trip is made in the personal car of the sheriff or his deputy or agent, he shall be allowed ten cents per mile traveled in lieu of other transportation expenses) to be taxed against, and paid by such prisoner on conviction, or, if he is insolvent, or is ac-

quitted, by the county in which the offense was committed; but in no case shall the county to which such prisoner was removed be liable for such costs or fees.

"For removing any prisoner upon a change of venue granted in his case, or who is arrested on a warrant issued by a justice of the peace, or on an indictment, and confined in a county other than that in which he is triable or arrested for contempt, or as a defaulting witness, eight dollars for himself or his deputy acting in his stead, and eight dollars for each guard for each day they are respectively engaged in such removal, together with the actual necessary traveling expenses of himself or deputy, and guard or guards, and prisoner or prisoners, while on the trip, by the nearest route usually traveled between the points from and to which such removal is made, (if the trip is made in the personal car of the sheriff, or of his deputy or agent, he shall be allowed ten cents per mile in lieu of other transportation expenses), to be paid by the state in case of felonies, and by the county when the offense committed is a misdemeanor, upon his sworn statement and account therefor, accompanied by a certificate of the clerk of the court in which the prisoner is, or will be, triable, that such fees have been reported to and docketed, or will be docketed by him. If such prisoner is convicted the clerk of the court in which conviction is had shall tax the costs of such removal against him, and shall immediately upon the adjournment of the court, issue execution therefor, and for the other costs, and deliver the same to the sheriff of his county, and such sheriff, upon the collection of the costs of such removal, shall pay the same over to the state treasurer. When a sheriff captures or arrests a defendant with contraband or prohibited liquors or beverages, either with or without warrant, there shall be taxed in his favor against the defendant on conviction, in addition to any other fees and charges now allowed by law, ten cents per mile each way from the courthouse to the place of arrest, and all expenses for the transportation of the contraband or prohibited liquors and beverages from the place of arrest to the courthouse.

"For taking fingerprints of persons taken into custody and furnishing copies thereof to the Director of the Federal Bureau of Investigation and the Director, Department of Public Safety, pursuant to Act No. 420, H. 290, approved July 6, 1943 (General Acts of Alabama 1943, page 385) 1.00"

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.
Time: 2:54 P.M.

Act No. 572

H. 43—Martin, Harrison, Ward, Burkhalter, Kendall, Brown (Lamar), Nettles, Branyon, Ramey

AN ACT

To provide further for the distribution of the proceeds of certain state and county licenses.

Be It Enacted by the Legislature of Alabama:

Section 1. Whenever, by virtue of the provisions of subsection (b) of Section 831, or the provisions of Article 1 of Chapter 20, Title 51, Code of Alabama (1940), or of any act amendatory thereof or supplemental thereto, both a state and county license are levied, the authority charged with the duty of collecting such licenses shall continue to collect the same, and, of the total amount collected for such state and county licenses, he shall distribute one-half thereof to the State, and one-half thereof to the county, any other provision of law to the contrary notwithstanding.

Section 2. This Act shall become effective on October 1, 1955.

Approved September 12, 1955.

Time: 4:20 P.M.

Act No. 573

H. 881—Nice, Meeks, Vacca, Edwards (Jefferson), Kaul, Perry, Lackey

AN ACT

To provide for and regulate the selection and impane'ing of alternate jurors for the trial of any civil case triable by a jury in all courts in all counties having a population of more than 400,000 inhabitants, according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. In any civil case triable by a jury in any court of any county having a population of more than 400,000 inhabitants, according to the last or any subsequent federal decennial census, the court may in its discretion order the selection of one or two alternate jurors for the trial of the case, but may order an alternate juror to take the place of a principal juror only when the principal juror is excused by the court, in the exercise of its sound discretion, prior to the retirement of the jury to consider its verdict, by reason of some mental or physical ailment in such principal juror, or his confrontation with some emergency rendering him unable to perform his duties satisfactorily.

Section 2. When only one alternate juror is to be selected, the parties shall be entitled to strike from a list containing the names of at least three competent jurors in addition to the minimum number specified by law, as the case may require, and shall be required to strike alternately, as provided by law, until thirteen names remain on the list; and thereupon, the court shall select by lot one name from such thirteen names, and the juror whose name is thus selected shall be the alternate juror. The remaining twelve shall be the principal jurors.

If the court orders the selection of two alternate jurors, the parties shall be entitled to strike from a list containing the names of at least six competent jurors in addition to the minimum number specified by law, as the case may require, and shall be required to strike alternately, as provided by law, until fourteen names remain on the list; and thereupon, the court shall select by lot two names from such fourteen names, the first one selected to be designated as alternate juror number one and the other as alternate juror number two. The remaining twelve shall be the principal jurors.

Section 3. If two alternate jurors are selected and both are able to perform the duties of a juror satisfactorily, the court shall order alternate juror number one to take the place of the first member of the jury who is excused from further service. If two alternate jurors are selected, but only one of them is able to perform the duties of a juror satisfactorily, then such alternate shall be ordered to take the place of any member of the jury who is excused from further service. An alternate juror who is able to perform satisfactorily the duties of a juror may be ordered to take the place of a juror who himself was originally an alternate juror, under the same conditions as he might have been ordered to take the place of one of the twelve principal jurors.

Section 4. Alternate jurors shall obey all orders and admonitions of the court. If the principal jurors are ordered to be kept in the custody of an officer or officers during the trial, such alternate jurors shall also be kept in custody with the regular jurors. All alternate jurors shall be seated near the principal jurors with equal facilities for observing the proceedings in the trial, and shall attend the trial at all times in company with the principal jurors. If any alternate juror is ordered to become a member of the jury, he shall take the same oath as that administered to other jurors, and shall have the same functions, powers, duties, and privileges as regular members of the jury. Any alternate juror who has not been ordered to take a place on the jury prior to the retirement of the jury to consider a verdict shall be discharged.

Section 5. All laws or parts of laws which conflict with this Act are repealed. However, nothing contained in this Act

shall repeal or otherwise affect that Act of the Legislature approved April 8, 1955, (Second Special Session, 1955; Act No. 57, H. 59), entitled "An Act relating to judicial procedure, and to provide for and regulate the selecting and impaneling of juries and alternate jurors in all criminal and quasi-criminal cases in the circuit courts in counties having a population of 400,000 or more according to the last or any future federal census; and to provide for the repeal of sections 221 to 227, both inclusive, of Title 62, Code of 1940, and of all Acts amendatory of said Sections."

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1955.
Time: 4:21 P.M.

Act No. 574

S. 366—Roberts

AN ACT

To abolish the office of deputy solicitor in St. Clair County, and to create in lieu thereof the office of county solicitor of St. Clair County; to fix the qualifications of the county solicitor; to provide for his election, term of office, and the method of appointment in the event of a vacancy; to define his powers and duties; to fix his salary; and to authorize the county governing body of such county to provide him with office space and necessary equipment and supplies, including office furniture, telephone, typewriter, stationery, and stamps.

Be It Enacted by the Legislature of Alabama:

Section 1. The office of deputy solicitor in St. Clair County is abolished, and there is hereby created in lieu thereof the office of county solicitor of St. Clair County.

Section 2. The county solicitor shall be a person learned in the law who has been admitted to the practice of law in the State of Alabama and is a qualified elector of St. Clair County. The county solicitor shall, during his term of office, maintain an office at the county seat of St. Clair County, and his office shall be open to the public for the transaction of official business at all hours when the office of the judge of probate is open for the transaction of business.

Section 3. Immediately upon the effective date of this Act, the circuit solicitor of St. Clair County shall appoint a qualified person to serve as county solicitor of St. Clair County, which person shall hold office until the first Monday after the

second Tuesday in January, 1957. His successor shall be elected by the qualified electors of St. Clair County at the general election to be held in 1956, and every four years thereafter, and he shall hold office for a term of four years from the first Monday after the second Tuesday in January next succeeding his election and until his successor is elected and qualified.

Section 4. In the event of a vacancy in the office of county solicitor of St. Clair County, the judge of probate of the county shall notify the circuit solicitor of the judicial circuit in which St. Clair County is located, and the vacancy shall be filled by appointment of such circuit solicitor. A person appointed to fill such vacancy shall hold office until the next general election for any state officer held at least six months after the vacancy occurs, and until his successor is elected and qualified. His successor shall be chosen at such election and shall hold office for the unexpired term, and until his successor is elected and qualified.

Section 5. The county solicitor of St. Clair County shall represent the State of Alabama in all criminal cases in the Inferior Court of the county in all preliminary proceedings, in all applications for bail, in all habeas corpus proceedings, in all other criminal proceedings in the county requiring the services of a prosecuting attorney, and in all cases in the juvenile court of the county; attend coroners' inquests; examine witnesses and select such witnesses as in his judgment should be and appear before the courts of the county in preliminary proceedings, applications for bail, or habeas corpus proceedings, and before the grand jury of the county; aid and act for the circuit solicitor of the judicial circuit in which **St. Clair County** is located before the grand jury and in all matters in the circuit court of the county when requested to do so by the circuit solicitor; perform all of the duties of the circuit solicitor in his absence when called upon to do so by the court of county commissioners, board of revenue, or like county governing body of St. Clair County; and perform such other duties as may be required by law. The county solicitor shall have all the powers and shall perform all the duties which are now or which may hereafter be conferred on or imposed upon deputy solicitors in this State. He shall not represent or defend as attorney any defendant in any criminal case in any court of the State of Alabama or the United States.

Section 6. The county solicitor of St. Clair County shall receive a salary of two thousand four hundred dollars (\$2,400) per annum, to be paid out of the general funds of the county in twelve equal installments, on warrants properly drawn against such funds.

Section 7. The court of county commissioners, board of revenue, or like governing body of St. Clair County shall furnish the county solicitor of St. Clair County with adequate and suitable office space, and with such equipment and supplies, including office furniture, telephone, typewriter, stationery, and stamps, as are necessary for the proper and efficient discharge of the duties of his office.

Section 8. All laws or parts of laws in conflict with the provisions of this Act are repealed.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1955.

Time: 4:25 P.M.

Act No. 575

H. 681—Selman, Shumate

AN ACT

To amend Section 11 of Title 19, Code of Alabama (1940), which relates to the appointment of commissioners in condemnation proceedings; requiring the judge of probate to appoint the members of the county board of equalization to serve as commissioners in any condemnation proceeding where the county is a party to such proceeding, in any county having a population of not less than 63,750 nor more than 72,750 inhabitants, according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11 of Title 19, Code of Alabama (1940), is amended to read as follows:

“Section 11. If the application be granted, in whole or in part, the judge of probate must appoint three citizens of the county in which the lands sought to be condemned are situated, who shall possess the qualifications of jurors, who shall be disinterested, and who shall file a certificate along with their award that neither of them had ever been consulted, advised with, or approached by any person in reference to the value of the lands, or the proceedings to condemn the same prior to the assessment of damages, and that they knew nothing of the same prior to their appointment; and the judge of probate may fill any vacancy occasioned by death, failure to act, or any disqualification of any such commissioners from interest, prior knowledge of the subject-matter, or being consulted with, advised with, or approached in reference to the condemnation of such lands prior to appointment or assessment of the damages. Provided, however, that the judge of probate is authorized, directed and required to appoint the members of the county board of equalization to serve as commissioners in any

condemnation proceeding where the county is a party to such proceeding, in any county having a population of not less than 63,750 nor more than 72,750 inhabitants, according to the last or any subsequent federal decennial census."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1955

Time: 4:26 P.M.

Act No. 576

H. 125—Goodwyn, Nolen, Dawkins

AN ACT

To provide that persons in the service of the government of the United States of America, and their spouses, if living within the borders of the State of Alabama, shall be deemed to be residents of Alabama for the purpose of maintaining suits or actions in the Courts of Alabama; and to provide that the Act shall have retrospective as well as prospective effect.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person in any branch or service of the government of the United States of America, including those in the military, air and naval service, and the husband or wife of any such person, if he or she be living within the borders of the State of Alabama shall be deemed to be a resident of the State of Alabama for the purpose of maintaining any suit or action at law or in equity in the courts of this State.

Section 2. Statement of Legislative intent: This Act shall be liberally construed, and be given retrospective as well as prospective effect.

Section 3. This Act shall take effect immediately upon its pasage and approval by the Governor.

Approved September 12, 1955.

Time: 4:30 P.M.

Act No. 577

H. 115—Gist

AN ACT

Relating to grand juries; providing that if the foreman of a grand jury is discharged or excused for any cause after the jury is sworn or charged, the court may appoint another in his place.

Be It Enacted by the Legislature of Alabama:

Section 1. Hereafter, if the foreman of a grand jury is discharged or excused for any cause after the jury is sworn

or charged, the court may appoint one of the other jurors in his place.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1955.

Time: 4:31 P.M.

Act No. 578

H. 555—Harrison

AN ACT

To provide for the organization, regulation, continuance and dissolution of corporations not for profit; to confer and limit their powers, rights and privileges and to impose their duties, obligations and responsibilities and; to provide penalties for the unauthorized assumption of corporate powers by all persons.

Be It Enacted by the Legislature of Alabama:

Section 1. SHORT TITLE. This Act shall be known and may be cited as the "Alabama Non-Profit Corporation Act."

Section 2. DEFINITIONS. As used in this Act, unless the context otherwise requires, the term:

(a) "Corporation" means a corporation not for profit subject to the provisions of this Act.

(b) "Not for profit corporation" means a corporation no part of the income of which is distributable to its members, directors or officers.

(c) "Articles of incorporation" includes the original articles of incorporation and all amendments thereto, and includes agreements of merger or consolidation.

(d) "By-laws" means the code or codes of rules adopted for the regulation or management of the affairs of the corporation irrespective of the name or names by which such rules are designated.

(e) "Member" means one having membership rights in a corporation in accordance with the provisions of its articles of incorporation or by-laws.
with the management of the affairs of the corporation irrespective of the name by which such group is designated.

(g) "Insolvent" means inability of a corporation to pay

(f) "Board of directors" means the group of persons vested its debts as they become due in the usual course of its affairs.

Section 3. **APPLICABILITY.** The provisions of this Act shall apply to—

(a) All corporations organized hereunder; and

(b) All not for profit corporations heretofore organized under the laws of this State that may elect to reincorporate hereunder as hereinafter provided for in Section 61 of this Act.

Section 4. **PURPOSES.** Corporations may be organized under this Act for any lawful purpose or purposes, including, without being limited to, any one or more of the following purposes: charitable; benevolent; eleemosynary; educational; civic, patriotic; political; religious, social; fraternal; literary; cultural; athletic; scientific; agricultural; horticultural; animal husbandry; and professional, commercial, industrial or trade association; but labor unions, cooperative organizations and organizations subject to any of the provisions of the insurance laws of this State may not be organized under this Act.

Section 5. **GENERAL POWERS.** Each corporation shall have power:

(a) To have perpetual succession by its corporate name unless a limited period of duration is stated in its articles of incorporation.

(b) To sue and be sued, complain and defend, in its corporate name.

(c) To have a corporate seal which may be altered at pleasure, and to use the same by causing it, or a facsimile thereof, to be impressed or affixed or in any other manner reproduced.

(d) To purchase, take, receive, lease, take by gift, devise or bequest or otherwise acquire, own, hold, improve, use and otherwise deal in and with, real or personal property, or any interest therein, wherever situated.

(e) To sell, convey, mortgage, pledge, lease, exchange, transfer and otherwise dispose of all or any part of its property and assets.

(f) To lend money to its employees other than its officers and directors, and otherwise assist its employees, officers and directors.

(g) To purchase, take, receive, subscribe for, or otherwise acquire, own, hold, vote, use, employ, sell, mortgage, lend, pledge, or otherwise dispose of, and otherwise use and deal in and with shares or other interests in, or obligations of, other corporations, whether for profit or not for profit, associations, partnerships or individuals, or direct or indirect obligations of

the United States, or of any other government, state, territory, governmental district or municipality or of any instrumentality thereof.

(h) To make contracts and incur liabilities, borrow money at such rates of interest as the corporation may determine, issue its notes, bonds, and other obligations, and secure any of its obligations by mortgage or pledge of all or any of its property, franchises and income.

(i) To lend money for its corporate purposes, invest and reinvest its funds, and take and hold real and personal property as security for the payment of funds so loaned or invested.

(j) To conduct its affairs, carry on its operations, and have offices and exercise the powers granted by this Act in any state, territory, district, or possession of the United States, or in any foreign country.

(k) To elect or appoint officers and agents of the corporation, and define their duties and fix their compensation.

(l) To make and alter by-laws, not inconsistent with its articles of incorporation or with the laws of this State, for the administration and regulation of the affairs of the corporation.

(m) To make donations for the public welfare or for charitable, scientific or educational purposes; and in time of war to make donations in aid of war activities.

(n) To indemnify any director or officer or former director or officer of the corporation, or any person who may have served at its request as a director or officer of another corporation, whether for profit or not for profit, against expenses actually and necessarily incurred by him in connection with the defense of any action, suit or proceeding in which he is made a party by reason of being or having been such director or officer, except in relation to matters as to which he shall be adjudged in such action, suit or proceeding to be liable for negligence or misconduct in the performance of duty; but such indemnification shall not be deemed exclusive of any other rights to which such director or officer may be entitled, under any by-law, agreement, vote of board of directors or members, or otherwise.

(o) To cease its corporate activities and surrender its corporate franchise.

(p) To have and exercise all powers necessary or convenient to effect any or all of the purposes for which the corporation is organized.

Section 6. DEFENSE OF ULTRA VIRES. No act of a corporation and no conveyance or transfer of real or personal

property to or by a corporation shall be invalid by reason of the fact that the corporation was without capacity or power to do such act or to make or receive such conveyance or transfer, but such lack of capacity or power may be asserted:

(a) In a proceeding by a member or a director against the corporation to enjoin the doing or continuation of unauthorized acts, or the transfer of real property by or to the corporation. If the unauthorized acts or transfer sought to be enjoined are being, or are to be, performed pursuant to any contract to which the corporation is a party, the court may, if all of the parties to the contract are parties to the proceeding and if it deems the same to be equitable, set aside and enjoin the performance of such contract, and in so doing may allow to the corporation or the other parties to the contract, as the case may be, compensation for the loss or damage sustained by either of them which may result from the action of the court in setting aside and enjoining the performance of such contract, but anticipated profits to be derived from the performance of the contract shall not be awarded by the court as a loss or damage sustained.

(b) In a proceeding by the corporation, whether acting directly or through a receiver, trustee, or other legal representative, or through members in a representative suit, against the officers or directors of the corporation for exceeding their authority.

(c) In a proceeding by the Attorney General, as provided in this Act, to dissolve the corporation, or in a proceeding by the Attorney General to enjoin the corporation from performing unauthorized acts, or in any other proceeding by the Attorney General.

Section 7. NAME OF CORPORATION. The name of a corporation shall not contain any word or phrase which indicates or implies that such corporation is organized for any purpose other than one or more of the purposes contained in its articles of incorporation; and the name of a corporation shall not be the same as, or deceptively similar to, the name of any corporation, whether for profit or not for profit, existing under any law of this State, or any corporation organized under laws other than the laws of this State, authorized to transact business or conduct affairs in this State.

Section 8. REGISTERED OFFICE AND REGISTERED AGENT. Each corporation shall have and continuously maintain in this State a registered office which may be, but need not be, the same as its principal office, and a registered agent or registered agents, which agent or agents may be an individual or individuals resident in this State.

Section 9. CHANGE OF REGISTERED OFFICE OR REGISTERED AGENT. A corporation may change its registered office or change its registered agent or agents, or both, upon filing in the office of the judge of probate of the county in which the principal office of the corporation is established a statement setting forth:

- (a) The name of the corporation.
- (b) The address of its then registered office.
- (c) If the address of its registered office be changed, the address to which the registered office is to be changed.
- (d) The name of its then registered agent.
- (e) If its registered agent be changed, the name of its successor registered agent.
- (f) That the address of its registered office and the address of the office of its registered agent, as changed, will be identical.
- (g) That such change was authorized by resolution duly adopted by its board of directors.

Such statement shall be executed by the corporation by its president or a vice president, and verified by him, and delivered to the judge of probate. If the judge of probate finds that such statement conforms to the provisions of this Act, he shall file such statement in his office, and upon such filing, the change of address of the registered office, or the appointment of a new registered agent, or both, as the case may be, shall become effective.

Any registered agent of a corporation may resign as such agent upon filing a written notice thereof, executed in duplicate, with the judge of probate, who shall forthwith mail a copy thereof to the corporation at its registered office. The appointment of such agent shall terminate upon the expiration of thirty days after receipt of such notice by the judge of probate.

Section 10. SERVICE OF PROCESS ON CORPORATION. The registered agent so appointed by a corporation shall be an agent of such corporation upon whom any process, notice or demand required or permitted by law to be served upon the corporation may be served.

Whenever a corporation shall fail to appoint or maintain a registered agent in this State, or whenever its registered agent cannot with reasonable diligence be found at the registered office, then the Secretary of State shall be an agent of such corporation upon whom any such process, notice, or demand may be served. Service on the Secretary of State of

any such process, notice, or demand shall be made by delivering to and leaving with him, or with any clerk having charge of the corporation department of his office, duplicate copies of such process, notice or demand. In the event any such process, notice or demand is served on the Secretary of State, he shall immediately cause one of the copies thereof to be forwarded by registered mail, addressed to the corporation at its registered office. Any service so had on the Secretary of State shall be returnable in not less than thirty days.

The Secretary of State shall keep a record of all processes, notices and demands served upon him under this section, and shall record therein the time of such service and his action with reference thereto.

Nothing herein contained shall limit or affect the right to serve any process, notice or demand required or permitted by law to be served upon a corporation in any other manner now or hereafter permitted by law.

Section 11. MEMBERS. A corporation may have one or more classes of members or may have no members. If the corporation has one or more classes of members, the designation of such class or classes and the qualifications and rights of the members of each class shall be set forth in the articles of incorporation or the by-laws. A corporation may issue certificates evidencing membership therein.

Section 12. BY-LAWS. The initial by-laws of a corporation shall be adopted by its board of directors. The power to alter, amend or repeal the by-laws or adopt new by-laws shall be vested in the board of directors unless otherwise provided in the articles of incorporation or the by-laws. The by-laws may contain any provisions for the regulation and management of the affairs of a corporation not inconsistent with law or the articles of incorporation.

Section 13. MEETINGS OF MEMBERS. Meetings of members may be held at such place within this State as may be provided in the by-laws. In the absence of any such provision, all meetings shall be held at the registered office of the corporation in this State.

An annual meeting of the members shall be held at such time as may be provided in the by-laws. Failure to hold the annual meeting at the designated time shall not work a forfeiture or dissolution of the corporation.

Special meetings of the members may be called by the president or by the board of directors. Special meetings of the members may also be called by such other officers or persons or number or proportion of members as may be provided in the articles of incorporation or the by-laws. In the absence

of a provision fixing the number or proportion of members entitled to call a meeting, a special meeting of members may be called by members having one-twentieth of the votes entitled to be cast at such meeting.

Section 14. NOTICE OF MEMBERS' MEETINGS. Written or printed notice stating the place, day and hour of the meeting and, in case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than ten nor more than thirty days before the date of the meeting, either personally or by mail, by or at the direction of the president, or the secretary, or the officers or persons calling the meeting, to each member entitled to vote at such meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail addressed to the member at his address as it appears on the records of the corporation, with postage thereon prepaid.

Section 15. VOTING. The right of the members, or any class or classes of members, to vote may be limited, enlarged or denied to the extent specified in the articles of incorporation or the by-laws. Unless so limited; enlarged or denied, each member, regardless of class, shall be entitled to one vote on each matter submitted to a vote of members.

A member may vote in person or, unless the articles of incorporation or the by-laws otherwise provide, may vote by proxy executed in writing by the member or by his duly authorized attorney-in-fact. No proxy shall be valid after three months from the date of its execution, unless otherwise provided in the proxy. Where directors or officers are to be elected by members the by-laws may provide that such elections may be conducted by mail.

Section 16. QUORUM. The by-laws may provide the number or percentage of members entitled to vote represented in person or by proxy, or the number or percentage of votes represented in person or by proxy, which shall constitute a quorum at a meeting of members. In the absence of any such provision, members holding one-tenth of the votes entitled to be cast represented in person or by proxy shall constitute a quorum. The vote of a majority of the votes entitled to be cast by the members present or represented by proxy at a meeting at which a quorum is present, shall be necessary for the adoption of any matter voted upon by the members, unless a greater proportion is required by this Act, the articles of incorporation or the by-laws.

Section 17. BOARD OF DIRECTORS. The affairs of a corporation shall be managed by a board of directors. Directors need not be residents of this State or members of the corporation unless the articles of incorporation or the by-laws so

require. The articles of incorporation or the by-laws may prescribe other qualifications for directors.

Section 18. NUMBER AND ELECTION OF DIRECTORS. The number of directors of a corporation shall be not less than three. Subject to such limitation, the number of directors shall be fixed by the by-laws, except as to the number of the first board of directors which number shall be fixed by the articles of incorporation. The number of directors may be increased or decreased from time to time by amendment to the by-laws, unless the articles of incorporation provide that a change in the number of directors shall be made only by amendment of the articles of incorporation. No decrease in number shall have the effect of shortening the term of any incumbent director. In the absence of a by-law fixing the number of directors, the number shall be the same as that stated in the articles of incorporation.

The directors constituting the first board of directors shall be named in the articles of incorporation and shall hold office until the first annual election of directors or for such other period as may be specified in the articles of incorporation or the by-laws. Thereafter, directors shall be elected or appointed in the manner and for the terms provided in the articles of incorporation or the by-laws. In the absence of a provision fixing the term of office, the term of office of a director shall be one year.

Directors may be divided into classes and the terms of office of the several classes need not be uniform. Each director shall hold office for the term for which he is elected or appointed and until his successor shall have been elected or appointed and qualified.

A director may be removed from office pursuant to any procedure therefor provided in the articles of incorporation.

Section 19. VACANCIES. Any vacancy occurring in the board of directors and any directorship to be filled by reason of an increase in the number of directors may be filled by the board of directors unless the articles of incorporation or the by-laws provided that a vacancy or directorship so created shall be filled in some other manner, in which case such provision shall control. A director elected or appointed, as the case may be, to fill a vacancy shall be elected or appointed for the unexpired term of his predecessor in office.

Section 20. QUORUM OF DIRECTORS. A majority of the number of directors fixed by the by-laws, or in the absence of a by-law fixing the number of directors, then of the number stated in the articles of incorporation, shall constitute a quorum for the transaction of business, unless otherwise pro-

vided in the articles of incorporation or the by-laws; but in no event shall a quorum consist of less than one-third of the number of directors so fixed or stated. The act of the majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors, unless the act of a greater number is required by this Act, the articles of incorporation or the by-laws.

Section 21. COMMITTEES. If the articles of incorporation or the by-laws so provide, the board of directors, by resolution adopted by a majority of the directors in office, may designate one or more committees each of which shall consist of two or more directors, which committees, to the extent provided in such resolution, in the articles of incorporation or in the by-laws of the corporation, shall have and exercise the authority of the board of directors in the management of the corporation; but the designation of such committees and the delegation thereto of authority shall not operate to relieve the board of directors, or any individual director of any responsibility imposed upon it or him by law. Other committees not having and exercising the authority of the board of directors in the management of the corporation may be designated by a resolution adopted by a majority of the directors present at a meeting at which a quorum is present.

Section 22. PLACE AND NOTICE OF DIRECTORS' MEETINGS. Meetings of the board of directors, regular or special, may be held within this State, and upon such notice as the by-laws may prescribe. Attendance of a director at any meeting shall constitute a waiver of notice of such meeting except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the board of directors need be specified in the notice or waiver of notice of such meeting.

Section 23. OFFICERS. The officers of a corporation shall consist of a president, one or more vice presidents, a secretary, a treasurer and such other officers and assistant officers as may be deemed necessary, each of whom shall be elected or appointed at such time and in such manner and for such terms not exceeding three years as may be prescribed in the articles of incorporation or the by-laws. In the absence of any such provision, all officers shall be elected or appointed annually by the board of directors. If the by-laws so provide, any two or more offices may be held by the same person, except the offices of president and secretary.

The articles of incorporation or the by-laws may provide that any one or more officers of the corporation shall be ex officio members of the board of directors.

The officers of a corporation may be designated by such additional titles as may be provided in the articles of incorporation or the by-laws.

Section 24. REMOVAL OF OFFICERS. Any officer elected or appointed may be removed by the persons authorized to elect or appoint such officer whenever in their judgment the best interests of the corporation will be served thereby. The removal of an officer shall be without prejudice to the contract rights, if any, of the officers so removed. Election or appointment of an officer or agent shall not of itself create contract rights.

Section 25. BOOKS AND RECORDS. Each corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors and committees having any of the authority of the board of directors; and shall keep at its registered office or principal office a record of the names and addresses of its members entitled to vote. All books and records of a corporation may be inspected by any member, or his agent or attorney, for any proper purpose at any reasonable time.

Section 26. SHARES OF STOCK AND DIVIDENDS PROHIBITED. A corporation shall not have or issue shares of stock. No dividend shall be paid and no part of the income of a corporation shall be distributed to its members, directors or officers. A corporation may pay compensation in a reasonable amount to its members, directors or officers for services rendered, may confer benefits upon its members in conformity with its purposes, and may make distributions upon dissolution or final liquidation as permitted by this Act, and no such payment, benefit or distribution shall be deemed to be a dividend or a distribution of income.

Section 27. LOANS TO DIRECTORS AND OFFICERS PROHIBITED. No loans shall be made by a corporation to its directors or officers. The directors of a corporation who vote for or assent to the making of a loan to a director or officer of the corporation, and any officer or officers participating in the making of such loan, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

Section 28. INCORPORATORS. Three or more natural persons of the age of twenty-one years or more may act as incorporators of a corporation by signing, verifying and filing articles of incorporation for such corporation with the judge of probate of the county in which the principal office of the corporation is established and such articles of incorporation shall be filed and recorded by the judge of probate in a book to be kept for that purpose; but the judge of probate shall not file

or record the articles of incorporation unless they comply with the provisions of this Act. The existence of the corporation shall begin upon the filing of the articles of incorporation in the office of the judge of probate.

Section 29. ARTICLES OF INCORPORATION. The articles of incorporation shall set forth:

- (a) The name of the corporation.
- (b) The period of duration, which may be perpetual.
- (c) The purpose or purposes for which the corporation is organized.
- (d) If the corporation is to have no members, a statement to that effect.
- (e) If the corporation is to have one or more classes of members, any provision which the incorporators elect to set forth in the articles of incorporation designating the class or classes of members and stating the qualifications and rights of the members of each class.
- (f) If the directors or any of them are not to be elected or appointed by one or more classes of members, a statement of the manner in which such directors shall be elected or appointed.
- (g) Any provisions, not inconsistent with law, which the incorporators elect to set forth in the articles of incorporation for the regulation of the internal affairs of the corporation, including any provision for distribution of assets on dissolution or final liquidation.
- (h) The address of its initial registered office, and the name of its initial registered agent at such address.
- (i) The number of directors constituting the initial board of directors, and the names and addresses of the persons who are to serve as the initial directors.
- (j) The name and address of each incorporator.

It shall not be necessary to set forth in the articles of incorporation any of the corporate powers enumerated in this Act.

Unless the articles of incorporation provide that a change in the number of directors shall be made only by amendment to the articles of incorporation, a change in the number of directors made by amendment to the by-laws shall be controlling. In all other cases, whenever a provision of the articles of incorporation is inconsistent with a by-law, the provision of the articles of incorporation shall be controlling.

Section 30. ORGANIZATION MEETINGS. After the issuance of the certificate of incorporation an organization meeting of the board of directors named in the articles of incorporation shall be held within this State at the call of a majority of the incorporators, for the purpose of adopting by-laws, electing officers and the transaction of such other business as may come before the meeting. The incorporators calling the meeting shall give at least three days' notice thereof by mail to each director so named, which notice shall state the time and place of the meeting.

A first meeting of the members may be held at the call of the directors, or a majority of them, upon at least three days' notice, for such purposes as shall be stated in the notice of the meeting.

Section 31. RIGHT TO AMEND ARTICLES OF INCORPORATION. A corporation may amend its articles of incorporation, from time to time, in any and as many respects as may be desired, so long as its articles of incorporation as amended contain only such provisions as are lawful under this Act.

Section 32. PROCEDURE TO AMEND ARTICLES OF INCORPORATION. Amendments to the articles of incorporation shall be made in the following manner:

(a) Where there are members having voting rights, the board of directors shall adopt a resolution setting forth the proposed amendment and directing that it be submitted to a vote at a meeting of members having voting rights, which may be either an annual or a special meeting. Written or printed notice setting forth the proposed amendment or a summary of the changes to be effected thereby shall be given to each member entitled to vote at such meeting within the time and in the manner provided in this Act for the giving of notice of meetings of members. The proposed amendment shall be adopted upon receiving at least two-thirds of the votes entitled to be cast by members present or represented by proxy at such meeting.

(b) Where there are no members, or no members having voting rights, an amendment shall be adopted at a meeting of the board of directors upon receiving the vote of a majority of the directors in office.

Any number of amendments may be submitted and voted upon at any one meeting.

Section 33. ARTICLES OF AMENDMENT. The articles of amendment shall be executed by the corporation by its president or a vice president and by its secretary or an assist-

ant secretary, and verified by one of the officers signing such articles, and shall set forth:

(a) The name of the corporation.

(b) The amendment so adopted.

(c) Where there are members having voting rights, (1) a statement setting forth the date of the meeting of members at which the amendment was adopted, that a quorum was present at such meeting, and that such amendment received at least two-thirds of the votes entitled to be cast by members present or represented by proxy at such meeting, or (2) a statement that such amendment was adopted by a consent in writing signed by all members entitled to vote with respect thereto.

(d) Where there are no members, or no members having voting rights, a statement of such fact, the date of the meeting of the board of directors at which the amendment was adopted, and a statement of the fact that such amendment received the vote of a majority of the directors in office.

The articles of amendment shall be filed in the office of the judge of probate of the county in which the corporation was organized and the amendment shall become effective and the articles of incorporation shall be deemed to be amended accordingly upon the filing of articles of amendment as herein provided.

No amendment shall affect any existing cause of action in favor of or against the corporation, or any pending action to which the corporation shall be a party, or the existing rights of persons other than members; and, in the event the name of the corporation shall be changed by amendment, no action brought by or against the corporation under its former name shall abate for any reason.

Section 34. PROCEDURE FOR MERGER. Any two or more corporations may merge into one of such corporations pursuant to a plan of merger approved in the manner provided in this Act.

Each corporation shall adopt a plan of merger setting forth:

(a) The names of the corporations proposing to merge, and the name of the corporation into which they propose to merge, which is hereinafter designated as the surviving corporation.

(b) The terms and conditions of the proposed merger.

(c) A statement of any changes in the articles of incorporation of the surviving corporation to be effected by such merger.

(d) Such other provisions with respect to the proposed merger as are deemed necessary or desirable.

Section 35. PROCEDURE FOR CONSOLIDATION. Any two or more corporations may consolidate into a new corporation pursuant to a plan of consolidation approved in the manner provided in this Act.

Each corporation shall adopt a plan of consolidation setting forth:

(a) The names of the corporations proposing to consolidate, and the name of the new corporation into which they propose to consolidate, which is hereinafter designated as the new corporation.

(b) The terms and conditions of the proposed consolidation.

(c) With respect to the new corporation, all of the statements required to be set forth in articles of incorporation for corporations organized under this Act.

(d) Such other provisions with respect to the proposed consolidation as are deemed necessary or desirable.

Section 36. APPROVAL OF MERGER OR CONSOLIDATION. A plan of merger or consolidation shall be adopted in the following manner:

(a) Where the members of any merging or consolidating corporation have voting rights, the board of directors of such corporation shall adopt a resolution approving the proposed plan and directing that it be submitted to a vote at a meeting of members having voting rights, which may be either an annual or a special meeting. Written or printed notice setting forth the proposed plan or a summary thereof shall be given to each member entitled to vote at such meeting within the time and in the manner provided in this Act for the giving of notice of meetings of members. The proposed plan shall be adopted upon receiving at least two-thirds of the votes entitled to be cast by members present or represented by proxy at each such meeting.

(b) Where any merging or consolidating corporation has no members, or no members having voting rights, a plan of merger or consolidation shall be adopted at a meeting of the board of directors of such corporation upon receiving the vote of a majority of the directors in office.

After such approval, and at any time prior to the filing of the articles of merger or consolidation, the merger or consolidation may be abandoned pursuant to provisions therefor, if any, set forth in the plan of merger or consolidation.

Section 37. ARTICLES OF MERGER OR CONSOLIDATION. Upon such approval, articles of merger or articles of

consolidation shall be executed by each corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers of each corporation signing such articles, and shall set forth:

(a) The plan of merger or the plan of consolidation.

(b) Where the members of any merging or consolidating corporation have voting rights, then as to each such corporation (1) a statement setting forth the date of the meeting of members at which the plan was adopted, that a quorum was present at such meeting, and that such plan received at least two-thirds of the votes entitled to be cast by members present or represented by proxy at such meeting, or (2) a statement that such amendment was adopted by a consent in writing signed by all members entitled to vote with respect thereto.

(c) Where any merging or consolidating corporation has no members, or no members having voting rights, then as to each such corporation a statement of such fact, the date of the meeting of the board of directors at which the plan was adopted and a statement of the fact that such plan received the vote of a majority of the directors in office.

The articles of merger or articles of consolidation shall be filed in the office of the judge of probate of the county in which the corporation was organized and shall be recorded by the judge of probate in a book to be kept for that purpose. Upon the filing of articles of merger or articles of consolidation as herein provided, the merger or consolidation shall be effected.

Section 38. EFFECT OF MERGER OR CONSOLIDATION. When such merger or consolidation has been effected:

(a) The several corporations parties to the plan of merger or consolidation shall be a single corporation, which, in the case of a merger, shall be that corporation designated in the plan of merger as the surviving corporation, and, in the case of a consolidation, shall be the new corporation provided for in the plan of consolidation.

(b) The separate existence of all corporations parties to the plan of merger or consolidation, except the surviving or new corporation, shall cease.

(c) Such surviving or new corporation shall have all the rights, privileges, immunities and powers and shall be subject to all the duties and liabilities of a corporation organized under this Act.

(d) Such surviving or new corporation shall thereupon and thereafter possess all the rights, privileges, immunities, and franchises, as well of a public as of a private nature, of

each of the merging or consolidating corporations; and all property, real, personal and mixed, and all debts due on whatever account, and all other choses in action, and all and every other interest, of or belonging to or due to each of the corporations so merged or consolidated, shall be taken and deemed to be transferred to and vested in such single corporation without further act or deed; and the title to any real estate, or any interest therein, vested in any of such corporations shall not revert or be in any way impaired by reason of such merger or consolidation.

(e) Such surviving or new corporation shall thenceforth be responsible and liable for all the liabilities and obligations of each of the corporations so merged or consolidated; and any claim existing or action or proceeding pending by or against any of such corporations may be prosecuted as if such merger or consolidation had not taken place, or such surviving or new corporation may be substituted in its place. Neither the rights of creditors nor any liens upon the property of any such corporation shall be impaired by such merger or consolidation.

(f) In the case of a merger, the articles of incorporation of the surviving corporation shall be deemed to be amended to the extent, if any, that changes in its articles of incorporation are stated in the plan of merger; and, in the case of a consolidation, the statements set forth in the articles of consolidation and which are required or permitted to be set forth in the articles of incorporation of corporations organized under this Act shall be deemed to be the articles of incorporation of the new corporation.

Section 39. SALE, LEASE, EXCHANGE, OR MORTGAGE OF ASSETS. A sale, lease, exchange, mortgage, pledge or other disposition of all, or substantially all, the property and assets of a corporation may be made upon such terms and conditions and for such consideration, which may consist in whole or in part of money or property, real or personal, including shares of any corporation for profit, domestic or foreign, as may be authorized in the following manner:

(a) Where there are members having voting rights, the board of directors shall adopt a resolution recommending such sale, lease, exchange, mortgage, pledge or other disposition and directing that it be submitted to a vote at a meeting of members having voting rights, which may be either an annual or a special meeting. Written or printed notice stating that the purpose, or one of the purposes, of such meeting is to consider the sale, lease, exchange, mortgage, pledge or other disposition of all, or substantially all, the property and assets of the corporation shall be given to each member entitled to vote at such meeting, within the time and in the manner provided by this Act for the giving of notice of meetings of members. At such

meeting the members may authorize such sale, lease, exchange, mortgage, pledge or other disposition and may fix, or may authorize the board of directors to fix, any or all of the terms and conditions thereof and the consideration to be received by the corporation therefor. Such authorization shall require the vote of at least two-thirds of the votes entitled to be cast by members present or represented by proxy at such meeting. After such authorization by a vote of members, the board of directors, nevertheless, in its discretion, may abandon such sale, lease, exchange, mortgage, pledge or other disposition of assets, subject to the rights of third parties under any contracts relating thereto, without further action or approval by members.

(b) Where there are no members, or no members having voting rights, a sale, lease, exchange, mortgage, pledge or other disposition of all, or substantially all, the property and assets of a corporation shall be authorized upon receiving the vote of a majority of the directors in office.

Section 40. VOLUNTARY DISSOLUTION. A corporation may dissolve and wind up its affairs in the following manner:

(a) Where there are members having voting rights, the board of directors shall adopt a resolution recommending that the corporation be dissolved, and directing that the question of such dissolution be submitted to a vote at a meeting of members having voting rights, which may be either an annual or a special meeting. Written or printed notice stating that the purpose, or one of the purposes, of such meeting is to consider the advisability of dissolving the corporation, shall be given to each member entitled to vote at such meeting, within the time and in the manner provided in this Act for the giving of notice of meetings of members. A resolution to dissolve the corporation shall be adopted upon receiving at least two-thirds of the votes entitled to be cast by members present or represented by proxy.

(b) Where there are no members, or no members having voting rights, the dissolution of the corporation shall be authorized at a meeting of the board of directors upon the adoption of a resolution to dissolve by the vote of a majority of the directors in office.

Upon the adoption of such resolution by the members, or by the board of directors where there are no members or no members having voting rights, the corporation shall cease to conduct its affairs except in so far as may be necessary for the winding up thereof, shall immediately cause a notice of the proposed dissolution to be mailed to each known creditor of the corporation, and shall proceed to collect its assets and apply and distribute them as provided in this Act.

Section 41. DISTRIBUTION OF ASSETS. The assets of a corporation in the process of dissolution shall be applied and distributed as follows:

(a) All liabilities and obligations of the corporation shall be paid, satisfied and discharged, or adequate provision shall be made therefor:

(b) Assets held by the corporation upon condition requiring return, transfer or conveyance, which condition occurs by reason of the dissolution, shall be returned, transferred or conveyed in accordance with such requirements;

(c) Assets received and held by the corporation subject to limitations permitting their use only for charitable, religious, eleemosynary, benevolent, educational or similar purposes, but not held upon a condition requiring return, transfer or conveyance by reason of the dissolution, shall be transferred or conveyed to one or more domestic or foreign corporations, societies or organizations engaged in activities substantially similar to those of the dissolving corporation, pursuant to a plan of distribution adopted as provided in this Act;

(d) Other assets, if any, shall be distributed in accordance with the provisions of the articles of incorporation or the by-laws to the extent that the articles of incorporation or by-laws determine the distributive rights of members, or any class or classes of members, or provide for distribution to others;

(e) Any remaining assets may be distributed to such persons, societies, organizations or domestic or foreign corporations, whether for profit or not for profit, as may be specified in a plan of distribution adopted as provided in this Act.

Section 42. PLAN OF DISTRIBUTION. A plan providing for the distribution of assets, not inconsistent with the provisions of this Act, may be adopted by a corporation in the process of dissolution and shall be adopted by a corporation for the purpose of authorizing any transfer or conveyance of assets for which this Act requires a plan of distribution, in the following manner:

(a) Where there are members having voting rights, the board of directors shall adopt a resolution recommending a plan of distribution and directing the submission thereof to a vote at a meeting of members having voting rights, which may be either an annual or a special meeting. Written or printed notice setting forth the proposed plan of distribution or a summary thereof shall be given to each member entitled to vote at such meeting, within the time and in the manner provided in this Act for the giving of notice of meetings of members. Such plan of distribution shall be adopted upon receiving

at least two-thirds of the votes entitled to be cast by members present or represented by proxy at such meeting.

(b) Where there are no members, or no members having voting rights, a plan of distribution shall be adopted at a meeting of the board of directors upon receiving the vote of a majority of the directors in office.

Section 43. ARTICLES OF DISSOLUTION. When all debts, liabilities and obligations of the corporation shall have been paid and discharged, or adequate provision shall have been made therefor, and all of the remaining property and assets of the corporation shall have been transferred, conveyed or distributed in accordance with the provisions of this Act, articles of dissolution shall be executed in duplicate by the corporation by its president or a vice president, and by its secretary or an assistant secretary, and verified by one of the officers signing such statement, which statement shall set forth:

(a) The name of the corporation.

(b) Where there are members having voting rights, (1) a statement setting forth the date of the meeting of members at which the resolution to dissolve was adopted, that a quorum was present at such meeting, and that such resolution received at least two-thirds of the votes entitled to be cast by members present or represented by proxy at such meeting, or (2) a statement that such resolution was adopted by a consent in writing signed by all members entitled to vote with respect thereto.

(c) Where there are no members, or no members having voting rights, a statement of such fact, the date of the meeting of the board of directors at which the resolution to dissolve was adopted and a statement of the fact that such resolution received the vote of a majority of the directors in office.

(d) That all debts, obligations, and liabilities of the corporation have been paid and discharged or that adequate provision has been made therefor.

(e) That all the remaining property and assets of the corporation have been transferred, conveyed or distributed in accordance with the provisions of this Act.

(f) That there are no suits pending against the corporation in any court, or that adequate provision has been made for the satisfaction of any judgment, order or decree which may be entered against it in any pending suit.

Articles of dissolution shall be filed in the office of the judge of probate of the county in which the principal office of the corporation is established and shall be recorded by the judge of probate in a book to be kept for that purpose. Upon the filing

of articles of dissolution as herein provided, the existence of the corporation shall cease, except for the purpose of suits, court proceedings and appropriate corporate action by its members, directors or officers as provided in this Act.

Section 44. INVOLUNTARY DISSOLUTION. A corporation may be dissolved involuntarily by a decree of the circuit court of the county in which the principal office of the corporation is established in a suit filed by the Attorney General when it is established that:

(a) The corporation procured its articles of incorporation through fraud; or

(b) The corporation has continued to exceed or abuse the authority conferred upon it by law; or

(c) The corporation has failed for ninety days to appoint and maintain a registered agent in this State; or

(d) The corporation has failed for ninety days after change of its registered agent to file in the office of the judge of probate a statement of such change.

In any such suit filed by the Attorney General process shall issue and be served as in other suits in Equity. If process is returned not found, the Attorney General shall cause publication to be made as in other civil cases in some newspaper published in the county in which the corporation was organized containing a notice of the pendency of such action, the title of the court, the title of the suit, and the date on or after which default may be entered. The Attorney General shall cause a copy of such notice to be mailed to the corporation at its registered office within ten days after the first publication thereof. The certificate of the Attorney General of the mailing of such notice shall be prima facie evidence thereof. Such notice shall be published at least once each week for three successive weeks and the publication thereof may begin at any time after the process has been returned. Unless a corporation shall have been served with process, no default shall be taken against it earlier than thirty days after the publication of such notice.

Section 45. JURISDICTION OF COURT TO LIQUIDATE ASSETS AND AFFAIRS OF CORPORATION. Courts of equity shall have full power to liquidate the assets and affairs of a corporation:

(a) In an action by a member or director when it is made to appear:

(1) That the directors are deadlocked in the management of the corporate affairs and that irreparable injury to the corporation is being suffered or is threatened by reason thereof,

and either that the members are unable to break the deadlock or there are no members having voting rights; or

(2) That the acts of the directors or those in control of the corporation are illegal, oppressive or fraudulent; or

(3) That the corporate assets are being misapplied or wasted; or

(4) That the corporation is unable to carry out its purposes.

(b) In an action by a creditor:

(1) When the claim of the creditor has been reduced to judgment and an execution thereon has been returned unsatisfied and it is established that the corporation is insolvent; or

(2) When the corporation has admitted in writing that the claim of the creditor is due and owing and it is established that the corporation is insolvent.

(c) Upon application by a corporation to have its dissolution continued under the supervision of the court.

(d) When a suit has been filed by the Attorney General to dissolve a corporation and it is established that liquidation of its affairs should precede the entry of a decree of dissolution.

Proceedings under clauses (a), (b), or (c) of this section shall be brought in the county in which the corporation was organized.

It shall not be necessary to make directors or members parties to any such action or proceedings unless relief is sought against them personally.

Section 46. PROCEDURE IN LIQUIDATION OF CORPORATION BY COURT. In proceedings to liquidate the assets and affairs of a corporation the court shall have power to issue injunctions, to appoint a receiver or receivers pendente lite, with such powers and duties as the court, from time to time, may direct, and to take such other proceedings as may be requisite to preserve the corporate assets wherever situated, and carry on the affairs of the corporation until a full hearing can be had.

After a hearing had upon such notice as the court may direct to be given to all parties to the proceedings and to any other parties in interest designated by the court, the court may appoint a liquidating receiver or receivers with authority to collect the assets of the corporation. Such liquidating receiver or receivers shall have authority, subject to the order of the court, to sell, convey and dispose of all or any part of the assets of the corporation wherever situated, either at public or private

sale. The order appointing such liquidating receiver or receivers shall state their powers and duties. Such powers and duties may be increased or diminished at any time during the proceedings.

The assets of the corporation or the proceeds resulting from a sale, conveyance, or other disposition thereof shall be applied and distributed as follows:

(a) All costs and expenses of the court proceedings and all liabilities and obligations of the corporation shall be paid, satisfied and discharged, or adequate provision shall be made therefor;

(b) Assets held by the corporation upon condition requiring return, transfer or conveyance, which condition occurs by reason of the dissolution or liquidation, shall be returned, transferred or conveyed in accordance with such requirements;

(c) Assets received and held by the corporation subject to limitations permitting their use only for charitable, religious, eleemosynary, benevolent, educational or similar purposes, but not held upon a condition requiring return, transfer or conveyance by reason of the dissolution or liquidation, shall be transferred or conveyed to one or more domestic or foreign corporations, societies or organizations engaged in activities substantially similar to those of the dissolving or liquidating corporation, pursuant to a plan of distribution adopted as provided in this Act, or where no plan of distribution has been adopted, shall be transferred or conveyed to one or more domestic or foreign corporations, societies or organizations engaged in activities substantially similar to those of the dissolving or liquidating corporation as the court may direct;

(d) Other assets, if any, shall be distributed in accordance with the provisions of the articles of incorporation or the by-laws to the extent that the articles of incorporation or by-laws determine the distributive rights of members, or any class or classes of members, or provide for distribution to others;

(e) Any remaining assets may be distributed to such persons, societies, organizations or domestic or foreign corporations, whether for profit or not for profit, specified in the plan of distribution adopted as provided in this Act, or where no plan of distribution has been adopted, as the court may direct.

The court shall have power to allow, from time to time, as expenses of the liquidation compensation to the receiver or receivers and to attorneys in the proceeding, and to direct the payment thereof out of the assets of the corporation or the proceeds of any sale or disposition of such assets.

A receiver of a corporation appointed under the provisions of this section shall have authority to sue and defend in all

courts in his own name as receiver of such corporation. The court appointing such receiver shall have exclusive jurisdiction of the corporation and its property, wherever situated.

Section 47. QUALIFICATION OF RECEIVERS. A receiver shall in all cases be a citizen of the United States or a corporation for profit authorized to act as receiver and shall in all cases give such bond as the court may direct with such sureties as the court may require.

Section 48. FILING OF CLAIMS IN LIQUIDATION PROCEEDINGS. In proceedings to liquidate the assets and affairs of a corporation the court may require all creditors of the corporation to file with the register of the court or with the receiver, in such form as the court may prescribe, proofs under oath of their respective claims. If the court requires the filing of claims it shall fix a date, which shall be not less than four months from the date of the order, as the last day for the filing of claims, and shall prescribe the notice that shall be given to creditors and claimants of the date so fixed. Prior to the date so fixed, the court may extend the time for the filing of claims. Creditors and claimants failing to file proofs of claim on or before the date so fixed may be barred, by order of court, from participating in the distribution of the assets of the corporation.

Section 49. DISCONTINUANCE OF LIQUIDATION PROCEEDINGS. The liquidation of the assets and affairs of a corporation may be discontinued at any time during the liquidation proceedings when it is established that cause for liquidation no longer exists. In such event the court shall dismiss the proceedings and direct the receiver to redeliver to the corporation all its remaining property and assets.

Section 50. DECREE OF INVOLUNTARY DISSOLUTION. In proceedings to liquidate the assets and affairs of a corporation, when the costs and expenses of such proceedings and all debts, obligations, and liabilities of the corporation shall have been paid and discharged and all of its remaining property and assets distributed in accordance with the provisions of this Act, or in case its property and assets are not sufficient to satisfy and discharge such costs, expenses, debts, and obligations, and all the property and assets have been applied so far as they will go to their payment, the court shall enter a decree dissolving the corporation, whereupon the existence of the corporation shall cease.

Section 51. FILING OF DECREE OF DISSOLUTION. In case the court shall enter a decree dissolving a corporation, it shall be the duty of the register of such court to cause a certified copy of the decree to be filed with the judge of pro-

bate of the county in which the corporation was organized. No fee shall be charged by the judge of probate for the filing thereof.

Section 52. DEPOSITS WITH STATE TREASURER. Upon the voluntary or involuntary dissolution of a corporation, the portion of the assets distributable to any person who is unknown or cannot be found, or who is under disability and there is no person legally competent to receive such distributive portion, shall be reduced to cash and deposited with the State Treasurer and shall be paid over to such person or to his legal representative upon proof satisfactory to the State Treasurer of his right thereto.

Section 53. SURVIVAL OF REMEDY AFTER DISSOLUTION. The dissolution of a corporation shall not take away or impair any remedy available to or against such corporation, its directors, officers, or members, for any right or claim existing, or any liability incurred, prior to such dissolution if action or other proceeding thereon is commenced within two years after the date of such dissolution. Any such action or proceeding by or against the corporation may be prosecuted or defended by the corporation in its corporate name. The members, directors and officers shall have power to take such corporate or other action as shall be appropriate to protect such remedy, right or claim. If such corporation was dissolved by the expiration of its period of duration, such corporation may amend its articles of incorporation at any time during such period of two years so as to extend its period of duration.

Section 54. FEES FOR FILING DOCUMENTS. The judge of probate shall charge and collect for:

- (a) Filing articles of incorporation, ten dollars.
- (b) Filing articles of amendment, five dollars.
- (c) Filing articles of merger or consolidation, five dollars.
- (d) Filing a statement of change of address of registered office or change of registered agent, or both, one dollar.
- (e) Filing articles of dissolution, one dollar.
- (f) Filing any other statement of a corporation, one dollar.

Section 55. MISCELLANEOUS CHARGES. The judge of probate shall charge and collect:

- (a) For furnishing a certified copy of any document, instrument, or paper relating to a corporation, thirty-five cents per page and one dollar for the certificate and affixing the seal thereto.
- (b) At the time of any service of process on him as resident agent of a corporation, five dollars, which amount may be

recovered as taxable costs by the party to the suit or action causing such service to be made if such party prevails in the suit or action.

Section 56. GREATER VOTING REQUIREMENTS. Whenever, with respect to any action to be taken by the members or directors of a corporation, the articles of incorporation require the vote or concurrence of a greater proportion of the members or directors, as the case may be, than required by this Act with respect to such action, the provisions of the articles of incorporation shall control.

Section 57. WAIVER OF NOTICE. Whenever any notice is required to be given to any member or director of a corporation under the provisions of this Act or under the provisions of the articles of incorporation or by-laws of the corporation, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be equivalent to the giving of such notice.

Section 58. ACTION BY MEMBERS WITHOUT A MEETING. Any action required by this Act to be taken at a meeting of the members or directors of a corporation, or any action which may be taken at a meeting of the members or directors or of a committee of directors, may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the members entitled to vote with respect to the subject matter thereof, or all of the directors, or all of the members of the committee of directors, as the case may be.

Such consent shall have the same force and effect as a unanimous vote, and may be stated as such in any articles or document filed with the Secretary of State under this Act.

Section 59. UNAUTHORIZED ASSUMPTION OF CORPORATE POWERS. All persons who assume to act as a corporation without authority so to do shall be jointly and severally liable for all debts and liabilities incurred or arising as a result thereof.

Section 60. RESERVATION OF POWER. The Legislature shall at all times have power to prescribe such regulations, provisions and limitations as it may deem advisable, which regulations, provisions and limitations shall be binding upon any and all corporations subject to the provisions of this Act, and the Legislature shall have power to amend, repeal or modify this Act at pleasure.

Section 61. VALIDITY OF EXISTING CORPORATIONS NOT IMPAIRED AND AVAILABILITY OF PROVISIONS OF THIS ACT TO SUCH CORPORATIONS. This Act shall not impair the validity of any corporation organized and existing under the laws of this State at the time of the enactment of

this Act. Any such corporation may, however, be reincorporated hereunder and avail itself of all rights, powers, and privileges and become subject to all duties, obligations, and responsibilities conferred or imposed by this Act in the following manner: A meeting of the members for that purpose may be had upon call by (1) the president or other executive head, (2) a majority of the directors then serving as such, or (3) a majority of the members of such corporation as shown by the records thereof, after ten days' notice of the time, place and purpose of such meeting. The members attending such meeting shall constitute a quorum and by unanimous vote in favor thereof the members so attending such meeting may cause articles of reincorporation to be signed, verified and filed by three or more of its members as provided for in this Act and the notice of such meeting shall so state. In addition to the requirements of Section 29 of this Act, such articles of reincorporation shall contain a verified statement of the secretary of such corporation or person duly chosen to act as such secretary at such meeting setting forth the facts showing that all requirements of this Section have been fully complied with. Thereupon such articles of reincorporation shall be filed and recorded by the judge of probate as provided in Section 28 of this Act and the existence of such corporation under this Act shall begin upon the filing of such articles as provided for in this Section. Provided, however, that no such reincorporation shall in any manner affect the rights of creditors or the liabilities of such corporation existing at the time of such reincorporation.

Section 62. EFFECT OF INVALIDITY OF PART OF THIS ACT. If a court of competent jurisdiction shall adjudge to be invalid or unconstitutional any clause, sentence, paragraph, section or part of this Act, such judgment or decree shall not affect, impair, invalidate or nullify the remainder of this Act, but the effect thereof shall be confined to the clause, sentence, paragraph, section or part of this Act so adjudged to be invalid or unconstitutional.

Section 63. EFFECTIVE DATE. This Act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

Approved September 12, 1955.

Time: 4:30 P.M.

Act No. 579

H. 937—Meeks, Nice, Perry, Vacca,
Kaul, Edwards (Jefferson),
Lackey

AN ACT

To amend Sections 4 and 8 of an Act of the Legislature approved September 4, 1951, General Acts of Alabama of 1951, page 1132, entitled:

"An Act to levy a privilege or license tax upon the sale, distribution, delivery, storage, or taking out of storage of beer, lager beer, ale, porter, near beer, or similar fermented malt liquor in any county having a population of 400,000 or more according to the last or any subsequent federal census; to fix the rate or amount of such tax at, or at the rate of, two cents on each twelve fluid ounces or fractional part thereof of the above mentioned beverages; to provide that such tax shall be paid to the county for division, or distribution, between such county and the municipalities located therein; to prescribe the rate or basis of such division or distribution; to prescribe penalties and fix punishments for the violation of any of the provisions of said act; and to otherwise provide for the administration of said act."

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 4 of that certain act of the Legislature, approved September 4, 1951, General Acts of Alabama of 1951, page 1132, entitled: "An Act to levy a privilege of license tax upon the sale, distribution, delivery, storage, or taking out of storage of beer, lager beer, ale, porter, near beer, or similar fermented malt liquor in any county having a population of 400,000 or more according to the last or any subsequent federal census; to fix the rate or amount of such tax at, or at the rate of, two cents on each twelve fluid ounces or fractional part thereof of the above mentioned beverages; to provide that such tax shall be paid to the county for division, or distribution, between such county and the municipalities located therein; to prescribe the rate or basis of such division or distribution; to prescribe penalties and fix punishments for the violation of any of the provisions of said act; and to otherwise provide for the administration of said act," be, and the same hereby is, amended to read as follows:

"Section 4. (a) It shall be unlawful for any distributor, seller, or any person having no place of business within the county to make any sale, distribution, or delivery of malt or brewed beverages within the county without first having qualified by posting bond as provided in Section 8 hereof, and having obtained a written permit to do so from the Probate Judge of the county. Said permit shall show the name and address of such distributor or seller together with the name and address of the distributor or seller or other person outside of the county from whom purchased, received or procured, the date such malt or brewed beverages are to be delivered or distributed into such county, the brand of such malt or brewed beverages, the quantity of each brand of such malt or brewed beverages, the size and kind of containers of each brand of such malt or brewed beverages and the name and address of each and every distributor, seller or other person to whom any malt or brewed beverages shall be sold, distributed or delivered within the county by such distributor or seller, his agents, servants or employees obtaining such permit. Such person, distributor, or seller, having no place of business within the county, shall be liable for and subject to the license tax

fixed and specified in Section 3 of this Act, in addition to the penalties for violation of the provisions of this Act; provided, however, that nothing contained in this Act, shall authorize any sale, distribution, or delivery of malt or brewed beverages in the county if such sale, distribution, or delivery is prohibited by any other laws of this state. (b) It shall be unlawful for any licensed distributor, or seller, or any person having a place of business within the county to transport, distribute, or deliver into such county, any malt or brewed beverages without first obtaining written permission from the Probate Judge of said county, to transport, deliver, or distribute such malt or brewed beverages to or within said county. Said permit shall show the name and address of such distributor or seller together with the name and address of the distributor, or seller, or other person outside the county from whom purchased, received, or procured, the date such malt or brewed beverages are to be delivered or distributed into such county, the brand of such malt or brewed beverages, the quantity of each brand of such malt or brewed beverages, the size and kind of containers of each brand of such malt or brewed beverages, and the name and address of each and every distributor, seller, or other person to whom any malt or brewed beverages shall be sold, distributed or delivered within the county by such distributor or seller, his agents, servants or employees obtaining such permit. Provided, however, this subsection shall not apply to shipments of malt or brewed beverages when shipped direct from the brewery to a licensed and properly qualified distributor's or seller's warehouse or place of business in such county. (c) It shall be unlawful for any distributor, seller, or person to distribute or deliver any malt or brewed beverages in such county without having painting on the side of the truck or vehicle used in transporting such malt or brewed beverages, or on a sign securely attached thereto, his business name and address along with his permit number in letters of not less than four inches in height. (d) The License Inspector, his agents, or any peace officer of said county, shall have authority to seize without warrant any and all malt or brewed beverages on which the license tax levied by this Act has not been paid, including the containers or packages in which such malt or brewed beverages are found, in the possession of any person not qualified as provided in this section, or of any person violating the provisions of this section, and such malt or brewed beverages in the possession of such unqualified person are hereby declared to be contraband goods and upon such confiscation shall be delivered to the Probate Judge for sale at public auction to the highest bidder after due advertisement. If there be in such county a county purchasing agent the Probate Judge may deliver such malt or brewed beverages to such purchasing agent to be sold at public auction as herein provided. The proceeds of the sale of any such malt or brewed beverages sold

hereunder after paying all costs shall be distributed by the Probate Judge as provided in Section 10 of this Act; provided, that after the costs of confiscation and sale are paid and before distribution by the Probate Judge, the arresting officer or officers shall receive one-fourth of the proceeds. (e) In all cases of seizure of any malt or brewed beverages hereinafter made as being subject to forfeiture under the provisions of this Act, which, in the opinion of the officer or person making the seizure, are of the appraised value of fifty dollars (\$50.00) or more, the said officer or person shall proceed as follows: First, he shall cause a list, containing a particular description of the malt or brewed beverages, showing the quantity of each brand of such malt or brewed beverages, the size and kind of containers of each brand, the date or dates on which confiscated and the person or persons from whom confiscated, to be prepared in duplicate, and an appraisement made thereof by three sworn appraisers to be selected by him, who shall be respectable and disinterested citizens of the county in which said beverages are seized and residing in the county wherein the seizure was made. Said list and appraisement shall be properly attested by said officer or person, and said appraisers shall be allowed the sum of one dollar (\$1.00) per day not exceeding two days to be paid by the Probate Judge out of any revenue received by him from the sale of the confiscated goods or the compromise which may be effected. Second, if the said malt or brewed beverages are believed by the officer making the seizure to be of value less than fifty dollars (\$50.00), no appraisement shall be made. The said officer or person shall proceed to post a notice for three weeks in writing at three places in the county, that the seizure was made, describing the malt or brewed beverages, the quantity of each brand, the size and kind of containers of each brand, stating the time and place and cause of their seizure, and requiring any person claiming them to appear and make such claim within thirty days from the date of the first posting of such notice. Third, any person claiming said malt or brewed beverages so seized as contrabrand within the time specified in the notice, may file with the Probate Judge a claim in writing stating his interest in the articles seized, and shall execute a bond to the Probate Judge in the penal sum equal to double the value of the malt or brewed beverages so seized, but in no case will the said bond be less than the sum of two hundred dollars (\$200.00), with sureties to be approved by the Probate Judge in the county in which the malt or brewed beverages are seized, conditioned that in the case of condemnation of the malt or brewed beverages so seized, the obligor shall pay to the Probate Judge the full value of the malt or brewed beverages so seized, and all costs and expenses of the proceeding to obtain such condemnation, including a reasonable attorney's fee. Upon the delivery of such bond to the Probate Judge, he shall transmit the same

with the duplicate list or description of the malt or brewed beverage so seized to the county attorney of such county if there be a county attorney, or to the solicitor of the county in which such seizure was made, and the said county attorney or solicitor shall file a bill in the Circuit Court in Equity in the county where the seizure was made to secure the forfeiture of said malt or brewed beverages and the containers and packages in which seized. Upon filing the bond as aforesaid, the said malt or brewed beverages shall be delivered to the claimant pending the outcome of said case; provided, however, the proper license tax must be paid by the claimant before said malt or brewed beverages are delivered by the Probate Judge. Fourth, if no claim is interposed or no bond given within the time above specified, such malt or brewed beverages shall be forfeited without further proceedings and the same shall be sold as herein provided. The proceedings against malt or brewed beverages pursuant to the provisions of this subsection shall be considered as proceedings in rem. (f) The Probate Judge may, in his discretion, return any malt or brewed beverages confiscated under this Act, when it is shown that there was no intention to violate the provisions of this Act, and if the quantity of such malt or brewed beverages does not exceed two cases, provided, such person or persons shall pay to the Probate Judge an amount equal to the license tax and penalties due and levied under the provisions of this Act, and in such cases no advertisements shall be made or notices posted in connection with said confiscation."

Section 2. That Section 8 of that certain Act of the Legislature, approved September 4, 1951, General Acts of Alabama, 1951, page 1132, entitled: "An Act to levy a privilege or license tax upon the sale, distribution, delivery, storage, or taking out of storage of beer, lager beer, ale, porter, near beer, or similar fermented malt liquor in any County having a population of 400,000 or more, according to the last or any subsequent federal census; to fix the rate or amount of such tax at, or at the rate of, two cents on each twelve fluid ounces or fractional part thereof of the above mentioned beverages; to provide that such tax shall be paid to the County for division, or distribution, between such County and the municipalities located therein; to prescribe the rate or basis of such division or distribution; to prescribe penalties and fix punishments for the violation of any of the provisions of said Act; and to otherwise provide for the administration of said Act," be and the same is hereby amended to read as follows:

"Section 8. (a) It shall be the duty of any person subject to the license tax imposed by this Act to keep full and complete records of all purchases, sales, receipts, inventories and of all other matters from which the correct amount of license

tax to which such person is subject may be ascertained; and in the event that such person shall discontinue his business, he shall not destroy or dispose of such records until he shall have given the Probate Judge and the License Inspector of the County thirty days notice in writing of his intent to destroy or dispose of such records. The failure of such person to keep such records, or his destruction or disposition of such records without giving such notice shall constitute a misdemeanor. (b) Upon demand by the Probate Judge or his authorized deputy, auditor, or representative, or by the License Inspector of the County, it shall be the duty of any such person subject to the license tax imposed by this Act to furnish such demanding person, without delay, all such information as may be required for determination of the correct amount of license tax to which such person is subject and to that end it shall be the duty of such person to submit to such demanding person, for inspection and examination, during reasonable hours, at such person's place of business within the County, all books of accounts, invoices, papers, reports, memoranda containing entries showing the amount of purchases, sales, receipts, inventories, and any other information from which the correct amount of license tax to which such person is subject may be determined including exhibition of bank deposit books and bank statements; and any person failing or refusing to submit such records for such inspection and examination upon such demand, shall be guilty of a misdemeanor. (c) If any person subject to the provisions of this Act does not have in such person's control or possession within the county, true and intelligible books of account, invoices, papers, reports or memoranda correctly showing the data and information necessary for determination of the correct amount of the license tax due, or if having in such person's possession or under such person's control such books, invoices, papers, reports or memoranda, such person shall fail or refuse to submit and exhibit the same for inspection and examination as herein required, then, in either event, it shall be the duty of the License Inspector of the county to ascertain, from such information and data as he may reasonably obtain, the correct amount of license tax due from such person, and to assess the same against such person and to give such person notice of said assessment and to demand of such person immediate payment of the amount of such license tax. If the amount of the license tax so ascertained and demanded is not paid within 10 days after receipt of notice of the assessment and demand for payment thereof, then, so long as said amount remains unpaid it shall be unlawful, and shall constitute a misdemeanor, for the person to engage in business as a distributor or seller, and each day's engagement in such business shall constitute a separate offense. (d) Every person before engaging in the business of a wholesale distributor of malt or brewed beverages in any county subject to the pro-

visions of this Act shall file with the Probate Judge a bond in the approximate sum of one and one-half times the average monthly tax estimated by the Probate Judge and approved by the License Inspector which will be due by the applicant. The bond shall be in such form and amount as may be approved by the Probate Judge, shall be executed by a surety company licensed and duly authorized to do business in Alabama, shall be payable to the county subject to the provisions of this Act, and be conditioned upon the prompt filing of true reports, and the payment by the applicant to the Probate Judge of the license tax herein fixed, provided, and levied on the sale, distribution or withdrawal from storage of malt or brewed beverages on which a tax is herein imposed, together with all penalties and interest thereon, and generally upon faithful compliance with the provisions of this Act. Upon the filing of such application and bond and approval of the latter, the Probate Judge shall issue a permit to applicant to engage in such business so long as applicant may not be in default in compliance with the provisions of this Act. In lieu of filing such bond, any person engaging in the business of a wholesale distributor of malt or brewed beverages may deposit cash or marketable securities which are authorized investments for trustees under the laws of the State of Alabama, with the County Treasurer of any such county, in the amount of the bond herein required. The County Treasurer shall give to each such person so depositing cash or securities a receipt in triplicate therefor. One copy of such receipt shall be deposited by such person with the Judge of Probate and one copy shall be by him deposited with the license inspector and, when such receipts have been so deposited, they shall serve in lieu of the bond herein required so long as such cash or securities shall remain on deposit with the County Treasurer. It shall be unlawful and constitute a misdemeanor for any person to engage in the business of a wholesale distributor of malt or brewed beverages in any such county without first having filed the bond and secured the permit as required herein. (e) In the event the liability upon any bond filed under the provisions of this Act shall be discharged or reduced, whether by judgment rendered, payment made, or otherwise, or if in the opinion of the Probate Judge any surety on the bond, theretofore given which becomes unsatisfactory or unacceptable, then the Probate Judge may require the filing of a new or additional bond conditioned as hereinabove provided and in the event of the failure of any distributor, within ten days of written notice to it by the Probate Judge, to file such new or additional bond, the Probate Judge shall revoke the permit issued to such person. (f) If upon a hearing had before the Probate Judge after five days written notice to any distributor, the Probate Judge shall decide that the amount of any existing bond filed by any distributor is insufficient, the Probate Judge may order such

distributor to file, within ten days after written notice by the Probate Judge to such distributor, a new or additional bond in such amount as the Probate Judge upon said hearing may find reasonably necessary to insure payment of all amounts due or to become due the county, conditioned as hereinabove provided, and if such new or additional bond is not filed within ten days after such notice from the Probate Judge, the Probate Judge may revoke the permit already issued to such distributor and the Probate Judge shall immediately notify the License Inspector. (g) The Probate Judge may reduce the amount of any bond upon written application of any distributor if satisfied that a bond in a reduced amount will insure payment of all amounts due, or to become due under this Act, to the county, but in no event shall he reduce such bond to an amount less than double the amount of the tax liability of the principal for the preceding month. (h) Any surety on any bond furnished by any distributor, as above provided, shall be released and discharged from any and all liability to the county accruing on such bond after the expiration of sixty days from the date upon which surety shall have filed with the Probate Judge written request to be released and discharged, provided, however, that such request shall not operate to relieve, release or discharge such surety from any liability already accrued, or which shall accrue before the expiration of said sixty day period. The Probate Judge shall promptly upon receipt of notice of such request notify the distributor who furnished such bond of the request of the surety on said bond, and unless such distributor shall, on or before the expiration of such sixty day period, file with the Probate Judge a new bond in the amount and form hereinbefore in this section provided, the Probate Judge shall forthwith cancel the permit of said distributor."

Section 3. Severability—If, for any reason, any clause, sentence, subsection, section or provision of this act, or the application thereof to any person, body, situation, or circumstance is held invalid or inoperative, the remainder of this act and the application thereof to any other person, body, situation, or circumstance shall not be affected thereby.

Section 4. Repealing Clause—All laws and parts of laws inconsistent or in conflict with this act are hereby expressly repealed.

Section 5. Effective Date—This act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 12, 1955.

Time: 4:22 P.M.

OFFICIALS OF THE STATE OF ALABAMA

James E. Folsom, Governor

Lieutenant-Governor

W. G. (Guy) Hardwick.....Dothan

Attorney General

John Patterson.....Phenix City

State Auditor

Mrs. Agnes Baggett.....Montgomery

Secretary of State

Mary Texas Hurt.....Scottsboro

State Treasurer

John Brandon.....Montgomery

Superintendent of Education

Austin R. Meadows.....Huntsville

Commissioner of Agriculture and Industries

A. W. Todd.....Russellville

Adjustment, State Board of

John Brandon, State Treasurer.....Montgomery

Mary Texas Hurt, Secretary of State.....Scottsboro

Mrs. Agnes Baggett, State Auditor.....Montgomery

Fuller Kimbrell, Director of Finance.....Fayette

Adjutant General

W. D. Partlow, Jr.....Tuscaloosa

Agriculture and Industries, State Dept. of

A. W. Todd, Commissioner.....Russellville

Agricultural Center Board

T. C. Reid, Director.....Montgomery

Aeronautics, Alabama Department of

Asa Rountree, Jr., Director.....Montgomery

Alcoholic Beverage Control Board, Alabama

Knox McRae.....Decatur

C. V. Evans.....Mobile

Harrold Hammonds, Chairman.....Hayneville

Melvin Dawkins, Administrator.....Montgomery

Architects, State Board for Registration of

John Merriman Fuller, Secretary,
1508 Cresthill Road.....Birmingham

OFFICIALS OF THE STATE OF ALABAMA—Continued*Archives and History, Department of*

Peter A. Brannon, Director.....Montgomery

Armory Commission, State

W. D. Partlow, Jr., Secretary.....Tuscaloosa

Alcoholism, Commission on Education with Respect To

Mrs. Inez Rach, Editorial Asst.....Montgomery

Athletic Association, Alabama

Cliff Harper, Executive Secretary.....Montgomery

Bar, Board of Commissioners of State

John B. Scott, Bell Bldg.....Montgomery

Boxing and Wrestling Commission

Oscar Covington, Secretary.....Montgomery

Bridge Commission, Alabama

F. O. McManus, Secretary.....Montgomery

Building Commission, State

H. H. Houlk, Director.....Montgomery

Chemist, State

Dr. C. R. Saunders.....Auburn

Civil Defense Agency

Pitt Tyson Maner, Director.....Montgomery

*Commerce, Department of*Lonnie Gentry, Director and Superintendent of
Banks.....Moulton*Comptroller, State*

John Graves.....Montgomery

Conservation Department

W. H. Drinkard, Director.....Cullman

Contractors, State Licensing Board for General

Mrs. Elizabeth B. Pitts, Executive Secretary.....Montgomery

Corrections, Board of

J. M. McCullough, Jr., Commissioner.....Montgomery

Cotton Classers, Board of Examiners of Public

J. H. Burton, Member.....Selma

*Dental Examiners, Board of*Dr. W. L. McCarty, Secretary-Treasurer,
200 Professional Center.....Montgomery

OFFICIALS OF THE STATE OF ALABAMA—Continued*Dead Bodies, Board for Distribution and Delivery of*

Dr. E. C. Sensenig, Secretary.....Birmingham

Docks and Terminals, State

Jerry P. Turner, Director.....Mobile

*Education, State Department of*Austin R. Meadows, Superintendent
of Education.....Montgomery*Embalming, State Board of*Glenn E. Vickery, Secretary-Treasurer,
P. O. Box 426.....Montgomery*Engineers and Land Surveyors, State Board of Registration
for Professional*

C. C. Cobb, Executive Secretary.....Montgomery

Employees' Retirement System of Alabama

Raymond Fowler, Secretary-Treasurer.....Montgomery

*Entomologists, Horticulturists, Floriculturists and Tree Sur-
geons, Board to Examine*

B. P. Livingston, Secretary.....Montgomery

Examiners of Public Accounts, Dept. of

Ralph P. Eagerton, Chief Examiner.....Montgomery

Executive Department, Governor's Office

James E. Folsom, Governor.....Cullman

O. H. Finney, Jr., Executive Secretary.....Montgomery

Mabel Amos, Recording Secretary.....Montgomery

Murray A. Battles, Legal Adviser.....Birmingham

Ralph Hammonds, Press Secretary.....Montgomery

Finance Department

Fuller Kimbrell, Director.....Fayette

Fire Marshal, State

J. V. Kitchens.....Montgomery

Geologist, State

Dr. Walter B. Jones, University of Alabama.....University

Health Department, State

Dr. D. G. Gill, State Health Officer.....Montgomery

Highway Department, State

Herman L. Nelson, Director.....Decatur

Industrial Relations, Department of

Eugene M. Wells, Director.....Birmingham

OFFICIALS OF THE STATE OF ALABAMA—Continued*Insane Hospitals, Alabama*

Dr. J. S. Tarwater, Superintendent.....Tuscaloosa

Insurance, State Department of

Leslie L. Gwaltney, Jr., Superintendent.....Montgomery

Labor, Department of

Luther D. Barnette, Director.....Montgomery

Legislative Reference Service

Charles M. Cooper, Director.....Montgomery

Medical Examiners, State Board of

Dr. D. G. Gill, Secretary.....Montgomery

Medical Technicians Examiners, Board of

Mary John Weldon, Chairman,
East End Memorial Hospital.....Birmingham

Mental Deficients, Partlow State School for

Dr. J. S. Tarwater, Superintendent.....Tuscaloosa

Military Department

W. D. Partlow, Jr., Adjutant General.....Tuscaloosa

Mine Examiners, Board of

J. G. Hanlin.....Birmingham

Milk Control Board, Alabama State

Mrs. T. L. Bear, Jr., Executive Secretary.....Montgomery

Nurses' Examiners and Registration, Board of

Dorothy Foley, 711 High St.....Montgomery

Optometry, State Board of

Dr. Thomas D. Hopkins, Secretary-Treasurer,
104 Montgomery St.....Montgomery

Oil and Gas Board, State

Dr. Walter B. Jones, Supervisor.....University

Pardons and Paroles, State Board of

Mrs. Ethel Salter Gayle, Chairman.....Montgomery

Neil O. Davis.....Montgomery

Mrs. Frances R. Robinson.....Montgomery

L. B. Stephens, Secretary.....Montgomery

Pension Commission

Miss Sarah Harden, Secretary.....Montgomery

Personnel Department

J. S. Frazer, Director.....Montgomery

OFFICIALS OF THE STATE OF ALABAMA—Continued*Pharmacy, State Board of*

Geo. P. Walker, Jr., Member.....Attalla

Pilotage Commission, State

Harry L. Hargrove, Member.....Mobile

*Planning Commission, State**Public Accountancy, State Board*Francis B. Latady, Secretary,
935 Brown Marx Bldg.....Birmingham*Public Library Service Division*

Evelyn Day Mullen, Director.....Montgomery

Public Safety, Department of

W. V. Lyerly, Director.....Montgomery

Public Service Commission, Alabama

C. C. (Jack) Owen, President.....Montgomery

Jimmy Hitchcock, Associate.....Montgomery

Sibyl Pool, Associate.....Montgomery

Orville P. Large, Secretary.....Montgomery

Public Welfare, State Department

J. S. Snoddy, Commissioner.....Montgomery

Publicity and Information, State Bureau of

Pleas Looney, Director.....Montgomery

Purchasing Agent, State

James B. King.....Montgomery

Real Estate Commission

Mrs. Mary J. Thompson, Executive Secretary.....Montgomery

Revenue, Department of

W. LaRue Horn, Commissioner.....Dothan

Securities Commissioner, State

John M. Patterson, Commissioner.....Montgomery

*Social Security Act, State Agency for Administration of*Mary Texas Hurt, Secretary of State,
State Agency.....Scottsboro*Soil Conservation Committee, State*

S. R. Doughty, Secretary, Duncan Hall.....Auburn

Teachers' Retirement System, State

Raymond Fowler, Secretary-Treasurer.....Montgomery

OFFICIALS OF THE STATE OF ALABAMA—Continued*Television Commission, Alabama Educational*

Raymond Hulbert, President,
714 Protective Life Bldg. Birmingham

Toxicologist, State

C. J. Rehling Auburn

Uniform State Laws, Commission On

C. M. A. Rogers Mobile

Veterans Affairs, State Department of

C. C. Horton, Director Montgomery

Veterinary Medical Examining Board; Alabama

Ray Ashwander, Secretary-Treasurer Auburn

White House Association, The

First White House of the Confederacy
Mrs. Ruth Howell, Regent Montgomery

SUPREME COURT

J. Ed Livingston, *Chief Justice*

Associate Justices:

Thomas S. Lawson Montgomery
Robert T. Simpson, Jr. Montgomery
Davis F. Stakely Montgomery
John L. Goodwyn Montgomery
Pelham J. Merrill Montgomery
James J. Mayfield Montgomery

A. B. Foster, Supernumerary Montgomery
J. Render Thomas, Clerk Montgomery
Noble H. Seay, Reporter of Decisions Montgomery
Richard Neal, Librarian Montgomery

COURT OF APPEALS

Robert B. Harwood, *Presiding Judge*

Associate Judges:

Annie Lola Price Montgomery
Rowan S. Bone Montgomery
Charles Bricken, Jr., Clerk Montgomery

ROSTER OF THE SENATE OF ALABAMA

Regular Session 1955

W. G. (Guy) Hardwick, <i>Lieutenant Governor</i>	Dothan
Broughton Lamberth, <i>President Pro-Tem</i>	Alexander City
J. E. Speight, <i>Secretary</i>	Montgomery
Ralph E. Macon, <i>Assistant Secretary</i>	Wetumpka
First Senatorial District—Lauderdale and Limestone Counties.	
Milton C. Grisham	Route 6, Athens
Second Senatorial District—Lawrence and Morgan Counties.	
Joe Calvin	P. O. Box 312, Decatur
Third Senatorial District—Blount, Cullman and Winston Counties.	
Harlan G. Allen	Route 2, Cullman
Fourth Senatorial District—Madison County.	
T. Herman Vann	434 Locust St., Huntsville
Fifth Senatorial District—Jackson and Marshall Counties.	
Smith C. Dyar	Route 6, Boaz
Sixth Senatorial District—Etowah and St. Clair Counties.	
E. L. Roberts	752 Forrest Ave., Gadsden
Seventh Senatorial District—Calhoun County.	
A. C. Shelton	Jacksonville
Eighth Senatorial District—Talladega County.	
G. Kyser Leonard	Talladega
Ninth Senatorial District—Chambers and Randolph Counties.	
Geo. W. Yarbrough	Box 15, Wedowee
Tenth Senatorial District—Elmore and Tallapoosa Counties.	
Broughton Lamberth	Alexander City
Eleventh Senatorial District—Tuscaloosa County.	
E. W. Skidmore	411 Alston Bldg., Tuscaloosa
Twelfth Senatorial District—Fayette, Lamar and Walker Counties.	
Reuben L. Newton	Jasper
Thirteenth Senatorial District—Jefferson County.	
Albert Boutwell	1919-20 First National Bank Bldg.
	Birmingham
Fourteenth Senatorial District—Pickens and Sumter Counties.	
Albert Davis	Aliceville
Fifteenth Senatorial District—Autauga, Chilton and Shelby Counties.	
Dave L. Yarbrough	Prattville
Sixteenth Senatorial District—Lowndes County.	
Joe B. Davis	Braggs
Seventeenth Senatorial District—Butler, Conecuh and Covington Counties.	

ROSTER OF THE SENATE OF ALABAMA—Continued

Tully A. Goodwin.....	801 North 5th St., Florala
Eighteenth Senatorial District—Bibb and Perry Counties.	
H. P. James.....	Brent
Nineteenth Senatorial District—Choctaw, Clarke and Washington Counties.	
Gerald Bradford.....	Grove Hill
Twentieth Senatorial District—Marengo County.	
E. O. Eddins.....	P. O. Box 317, Demopolis
Twenty-first Senatorial District—Baldwin, Escambia and Monroe Counties.	
Ralph L. Jones.....	Monroeville
Twenty-second Senatorial District—Wilcox County.	
Roland Cooper.....	c/o Cooper Motor Co., Camden
Twenty-third Senatorial District—Dale and Geneva Counties.	
Neil Metcalf.....	Box 175, Geneva
Twenty-fourth Senatorial District—Barbour County.	
George E. Little.....	Eufaula
Twenty-fifth Senatorial District—Coffee, Crenshaw and Pike Counties.	
Ben Reeves.....	407 Orange St., Troy
Twenty-sixth Senatorial District—Bullock and Macon Counties.	
Sam M. Engelhardt, Jr.	Shorter
Twenty-seventh Senatorial District—Lee and Russell Counties.	
Joseph W. Smith.....	Box 464, Phenix City
Twenty-eighth Senatorial District—Montgomery County.	
Vaughan Hill Robison.....	34 S. Perry St., Montgomery
Twenty-ninth Senatorial District—Cherokee and DeKalb Counties.	
M. H. Moses.....	Box 245, Fyffe
Thirtieth Senatorial District—Dallas County.	
Walter C. Givhan.....	Safford
Thirty-first Senatorial District—Colbert, Franklin and Marion Counties.	
Berry Lynchmore Cantrell.....	300 West First St., Tuscumbia
Thirty-second Senatorial District—Greene and Hale Counties.	
James S. Coleman, Jr.....	Eutaw
Thirty-third Senatorial District—Mobile County.	
Garet Van Antwerp, III.....	37 Oriole Drive, Spring Hill
Thirty-fourth Senatorial District—Clay, Cleburne and Coosa Counties.	
Staten Tate.....	Box 37, Goodwater
Thirty-fifth Senatorial District—Henry and Houston Counties.	
Richmond M. Flowers.....	Penny Building, Dothan

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA

Regular Session 1955

OFFICERS

Rankin Fite, <i>Speaker</i>	Hamilton
George C. Hawkins, <i>Speaker Pro Tem</i>	Gadsden
R. T. Goodwyn, Jr., <i>Clerk</i>	Montgomery
Oakley W. Melton, Jr., <i>Assistant Clerk</i>	Montgomery
Richard C. Belser, <i>Reading Clerk</i>	Montgomery

MEMBERS OF THE HOUSE

Autauga—E. A. (Bud) Grouby.....	Prattville
Baldwin—L. W. Brannan, Jr.....	Foley
Barbour—Place No. 1—Sim A. Thomas.....	Eufaula
Place No. 2—McDowell Lee.....	Clio
Bibb—Virgis M. Ashworth.....	Centreville
Blount—Lowell Gregory.....	Oneonta
Bullock—Place No. 1—M. B. McLendon.....	Union Springs
Place No. 2—J. A. Crook.....	Union Springs
Butler—Place No. 1—A. L. Killough.....	Honoraville
Place No. 2—H. B. Taylor.....	P. O. Box 278, Georgiana
Calhoun—Place No. 1—Woodrow Albea; Anniston Natl. Bank Bldg., Anniston	
Place No. 2—Hugh D. Merrill, Jr.....	701 Fairway, Anniston
Chambers—Place No. 1—Roy W. McClendon.....	Shawmut
Place No. 2—Robert R. Hunt.....	Box 207, Fairfax
Cherokee—J. B. Burkhalter.....	Centre
Chilton—Francis W. Speaks.....	P. O. Box 535, Clanton
Choctaw—Robert Locke.....	Butler
Clarke—Place No. 1—Marion Bradford.....	Dickinson
Place No. 2—Emory McNider.....	Coffeeville
Clay—Charles (Pete) Mathews.....	Ashland
Cleburne—J. H. Pirkle.....	Heflin
Coffee—Jackson W. Stokes.....	Elba
Colbert—Harry J. (Jack) Huddleston.....	Box 178, Sheffield
Conecuh—Robert G. Kendall, Jr.....	Evergreen
Coosa—Charles R. Franklin.....	Goodwater
Covington—Clyde M. Love.....	Box 481, Florala
Crenshaw—V. S. Summerlin.....	Luverne
Cullman—Bryce C. Davis.....	Box 499, Cullman
Dale—Henry B. Steagall, II.....	Box 226, Ozark
Dallas—Place No. 1—William P. Molette.....	Orrville
Place No. 2—Frank Hardy.....	Route 6, Selma
Place No. 3—B. V. Hain.....	Box 155, Selma
DeKalb—F. L. (Hello) Ferrell.....	Mentone
Elmore—Place No. 1—Carol Jack Law.....	Box 1, Wetumpka
Place No. 2—Hardaway Johnson.....	Eclectic

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued

Escambia—Malcolm Edwards.....	E. Brewton
Etowah—Place No. 1—George C. Hawkins.....	752 Forrest Ave., Gadsden
Place No. 2—E. K. Hanby.....	223 Ridgeway Ave., Gadsden
Fayette—James A. Branyon, II.....	Fayette
Franklin—W. E. Oden.....	Russellville
Geneva—Roland R. Faulk.....	Samson
Greene—W. L. Martin, Jr.....	Eutaw
Hale—Place No. 1—Reginald Richardson.....	Greensboro
Place No. 2—Charles H. Ramey.....	Akron
Henry—Place No. 1—Emory R. (Em) Solomon.....	Headland
Place No. 2—G. B. Mathison, Sr.....	Abbeville
Houston—R. J. (Bob) Stenbridge.....	321 E. Main Street, Dothan
Jackson—Place No. 1—Leroy D. Gist.....	Hollywood
Place No. 2—Joe Money.....	Route 3, Scottsboro
Jefferson—J. K. (Jess) Edwards.....	Brighton
Hugh Kaul.....	1605 1st National Bldg, Birmingham
Rufus M. Lackey.....	712 1st National Bldg., Birmingham
J. Paul Meeks.....	424 Brown Marx Bldg., Birmingham
Charles Nice, Jr.....	210 Frank Nelson Bldg., Birmingham
Walter Emmett Perry, Jr.....	730 Frank Nelson Bldg., Birmingham
Paschal P. "Pat" Vacca.....	710 Frank Nelson Bldg., Birmingham
Lamar—Jesse Brown.....	Box 305, Vernon
Lauderdale—Place No. 1—Robert H. Broadfoot.....	302 West Ala- bama, Florence
Place No. 2—E. B. Haltom, Jr.....	Box 532, Florence
Lawrence—W. J. Lee, Jr.....	Town Creek
Lee—Place No. 1—Roberts H. Brown.....	Box 48, Opelika
Place No. 2—D. W. Ward.....	Box 689, Opelika
Limestone—James M. Dement.....	Route 1, Athens
Lowndes—Place No. 1—Robert S. Dickson, Jr.....	Lowndesboro
Place No. 2—A. J. Brooks.....	Ft. Deposit
Macon—J. J. Rodgers.....	P. O. Box 538, Tuskegee
Madison—Place No. 1—N. L. (Luke) Reynolds.....	1413 Cali- fornia Street, Huntsville
Place No. 2—Roscoe Roberts, Jr.....	4 West Side Square, Huntsville
Marengo—Place No. 1—Jack B. Kirkham.....	RFD, Myrtlewood
Place No. 2—Cephus R. Holliman.....	Linden
Marion—Rankin Fite.....	Box 157, Hamilton
Marshall—Garnett Cox.....	1468 Rayburn Ave., Guntersville
Mobile—Place No. 1—Michael Thomas Murphy.....	612 First National Bank Bldg., Mobile
Place No. 2—John M. Tyson.....	1600 Government St., Mobile

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued

Place No. 3—Otto E. Simon.....	608 Van Antwerp Bldg., Mobile
Monroe—N. S. (Nick) Hare.....	Monroeville
Montgomery—Place No. 1—Joe M. Dawkins.....	800 Commerce Bldg., Montgomery
Place No. 2—O. J. (Joe) Goodwyn.....	4169 Goode St., Montgomery
Place No. 3—H. James Hall.....	Route 4, Montgomery
Place No. 4—Wilbur B. Nolen, Jr.....	Box 1525, Montgomery
Morgan—Place No. 1—Albert P. Brewer.....	Box 1487, Decatur
Place No. 2—Bob Gilchrist.....	Bethel Road, Hartselle
Perry—Place No. 1—Judson C. Locke, Sr.....	Marion
Place No. 2—W. L. DeSear.....	Uniontown
Pickens—Ralph Windle.....	Carrollton
Pike—Place No. 1—L. Gardner Bassett.....	206 Orange St., Troy
Place No. 2—A. L. (Pat) Boyd.....	Box 454, Troy
Randolph—J. M. (Jimmie) Jenkins.....	Box 384, Roanoke
Russell—Place No. 1—Homer W. Cornett.....	Box 88, Phenix City
Place No. 2—J. W. Brassell.....	Phenix City
St. Clair—George W. Hodges, Jr.....	Box 295, Ashville
Shelby—Karl C. Harrison.....	Columbiana
Sumter—Place No. 1—Jesse E. Harvey.....	Cuba
Place No. 2—Ira D. Pruitt.....	Livingston
Talladega—Place No. 1—L. N. Payne.....	Box 4, Talladega
Place No. 2—C. W. (Charlie) McKay, Jr.....	Box 128, Sylacauga
Tallapoosa—Place No. 1—Charles Adams.....	Alexander City
Place No. 2—J. T. (Tom) Johnson.....	Rt. 1, Notasulga
Tuscaloosa—Place No. 1—A. K. (Temo) Callahan.....	909 First Natl. Bank Bldg., Tuscaloosa
Place No. 2—Ryan deGraffenried.....	Tuscaloosa
Walker—Place No. 1—Alonzo Shumate.....	Box 63, Jasper
Place No. 2—T. K. Selman.....	Jasper
Washington—J. Emmett Wood.....	Millry
Wilcox—Place No. 1—Sam C. Nettles, Jr.....	Arlington
Place No. 2—Gregory Oakley.....	Pine Apple
Winston—J. H. (Jack) Kelly.....	Haleyville

Annuity Table showing the current present cash value of an annuity of one hundred dollars per month, month by month from two to four hundred eighty months at 2%, 2½%, 3%, 3½%, 4%, 4½%, 5%, 5½%, and 6%. As provided in Act No. 456, Approved August 31, 1953.

Month	2%	2½%	3%	3½%	4%	4½%	5%	5½%	6%
1	99.83	99.79	99.75	99.70	99.66	99.62	99.58	99.54	99.50
2	199.50	199.37	199.25	199.12	199.00	198.88	198.75	198.63	198.50
3	299.00	298.75	298.50	298.25	298.01	297.76	297.51	297.27	297.02
4	398.33	397.92	397.51	397.10	396.68	396.27	395.86	395.45	395.04
5	497.50	496.89	496.27	495.65	495.03	494.42	493.81	493.19	492.58
6	596.15	595.64	594.78	593.92	593.06	592.20	591.34	590.49	589.63
7	695.35	694.20	693.05	691.90	690.75	689.61	688.47	687.34	686.20
8	794.03	792.55	791.07	789.60	788.13	786.66	785.20	783.74	782.29
9	892.54	890.69	888.85	887.01	885.18	883.35	881.53	879.71	877.90
10	990.89	988.63	986.38	984.14	981.90	979.68	977.46	975.24	973.04
11	1,089.07	1,086.37	1,083.67	1,080.99	1,078.31	1,075.64	1,072.98	1,070.34	1,067.70
12	1,187.10	1,183.90	1,180.72	1,177.55	1,174.39	1,171.25	1,168.12	1,165.00	1,161.89
13	1,284.95	1,281.23	1,277.53	1,273.84	1,270.16	1,266.50	1,262.86	1,259.23	1,255.61
14	1,382.65	1,378.36	1,374.09	1,369.84	1,365.61	1,361.40	1,357.20	1,353.02	1,348.87
15	1,480.18	1,475.29	1,470.42	1,465.57	1,460.74	1,455.94	1,451.15	1,446.39	1,441.66
16	1,577.55	1,572.01	1,566.50	1,561.01	1,555.55	1,550.12	1,544.72	1,539.34	1,533.99
17	1,674.76	1,668.54	1,662.34	1,656.18	1,650.05	1,643.96	1,637.89	1,631.86	1,625.86
18	1,771.18	1,764.86	1,757.95	1,751.08	1,744.24	1,737.44	1,730.68	1,723.96	1,717.27
19	1,868.69	1,860.98	1,853.32	1,845.69	1,838.11	1,830.58	1,823.09	1,815.64	1,808.23
20	1,965.42	1,956.91	1,948.44	1,940.03	1,931.67	1,923.36	1,915.11	1,906.90	1,898.74
21	2,061.98	2,052.63	2,043.34	2,034.10	2,024.92	2,015.81	2,006.74	1,997.74	1,988.79
22	2,158.38	2,148.15	2,137.99	2,127.89	2,117.86	2,107.90	2,098.00	2,088.17	2,078.40
23	2,254.63	2,243.48	2,232.41	2,221.42	2,210.50	2,199.65	2,188.88	2,178.19	2,167.56
24	2,350.71	2,338.61	2,326.59	2,314.66	2,302.82	2,291.06	2,279.38	2,267.79	2,256.28
25	2,446.63	2,433.54	2,420.54	2,407.64	2,394.84	2,382.13	2,369.51	2,356.99	2,344.56
26	2,542.39	2,528.27	2,514.26	2,500.35	2,486.55	2,472.85	2,459.26	2,445.78	2,432.40
27	2,638.00	2,622.81	2,607.74	2,592.79	2,577.96	2,563.24	2,548.65	2,534.16	2,519.80
28	2,733.44	2,717.15	2,700.98	2,684.96	2,669.06	2,653.29	2,637.66	2,622.15	2,606.76
29	2,828.73	2,811.29	2,794.00	2,776.86	2,759.86	2,743.01	2,726.30	2,709.73	2,693.30
30	2,923.85	2,905.24	2,886.78	2,868.49	2,850.36	2,832.38	2,814.57	2,796.91	2,779.40

31	3,018.82	2,998.99	2,979.33	2,959.86	2,940.56	2,921.43	2,902.47	2,883.69	2,865.08
32	3,113.63	3,092.55	3,071.65	3,050.96	3,030.45	3,010.14	2,990.02	2,970.08	2,950.32
33	3,208.29	3,185.91	3,163.75	3,141.79	3,120.05	3,098.52	3,077.19	3,056.07	3,035.15
34	3,302.78	3,279.08	3,255.61	3,232.37	3,209.36	3,186.57	3,164.01	3,141.67	3,119.55
35	3,397.12	3,372.05	3,347.24	3,322.68	3,298.36	3,274.29	3,250.47	3,226.88	3,203.53
36	3,491.30	3,464.83	3,438.64	3,412.72	3,387.07	3,361.69	3,336.57	3,311.70	3,287.10
37	3,585.33	3,557.42	3,529.82	3,502.51	3,475.49	3,448.75	3,422.31	3,396.14	3,370.25
38	3,679.19	3,649.82	3,620.77	3,592.03	3,563.61	3,535.50	3,507.69	3,480.19	3,452.98
39	3,772.91	3,742.02	3,711.49	3,681.29	3,651.44	3,621.91	3,592.72	3,563.85	3,535.30
40	3,866.46	3,834.03	3,801.98	3,770.30	3,738.97	3,708.01	3,677.40	3,647.14	3,617.22
41	3,959.86	3,925.86	3,892.25	3,859.04	3,826.22	3,793.78	3,761.72	3,730.04	3,698.72
42	4,053.11	4,017.49	3,982.29	3,947.53	3,913.18	3,879.24	3,845.70	3,812.57	3,779.83
43	4,146.20	4,108.93	4,072.11	4,035.76	3,999.84	3,964.37	3,929.33	3,894.71	3,860.52
44	4,239.13	4,200.18	4,161.71	4,123.73	4,086.22	4,049.18	4,012.61	3,976.49	3,940.82
45	4,331.91	4,291.24	4,251.08	4,211.44	4,172.31	4,133.68	4,095.54	4,057.89	4,020.71
46	4,424.54	4,382.11	4,340.23	4,298.91	4,258.12	4,217.87	4,178.14	4,138.92	4,100.21
47	4,517.01	4,472.79	4,429.16	4,386.11	4,343.64	4,301.73	4,260.38	4,219.58	4,179.32
48	4,609.33	4,563.28	4,517.86	4,473.07	4,428.88	4,385.29	4,342.29	4,299.87	4,258.03
49	4,701.49	4,653.59	4,606.35	4,559.77	4,513.83	4,468.53	4,423.86	4,379.80	4,336.35
50	4,793.50	4,743.70	4,694.61	4,646.22	4,598.50	4,551.46	4,505.09	4,459.36	4,414.27
51	4,885.36	4,833.63	4,782.66	4,732.41	4,682.89	4,634.09	4,585.98	4,538.56	4,491.81
52	4,977.06	4,923.38	4,870.48	4,818.36	4,767.00	4,716.40	4,666.53	4,617.40	4,568.97
53	5,068.62	5,012.93	4,958.08	4,904.06	4,850.83	4,798.41	4,746.76	4,695.87	4,645.74
54	5,160.02	5,102.30	5,045.47	4,989.50	4,934.39	4,880.11	4,826.65	4,773.99	4,722.13
55	5,251.26	5,191.49	5,132.64	5,074.70	5,017.66	4,961.50	4,906.20	4,851.75	4,798.14
56	5,342.36	5,280.49	5,219.59	5,159.65	5,100.66	5,042.59	4,985.43	4,929.16	4,873.77
57	5,433.30	5,369.30	5,306.32	5,244.36	5,183.38	5,123.38	5,064.33	5,006.22	4,949.03
58	5,524.10	5,457.93	5,392.84	5,328.81	5,265.83	5,203.86	5,142.90	5,082.92	5,023.91
59	5,614.74	5,546.37	5,479.14	5,413.03	5,348.00	5,284.05	5,221.15	5,159.27	5,098.41
60	5,705.23	5,634.64	5,565.23	5,496.99	5,429.90	5,363.93	5,299.07	5,235.28	5,172.55
61	5,795.57	5,722.71	5,651.10	5,580.72	5,511.53	5,443.52	5,376.66	5,310.94	5,246.32
62	5,885.76	5,810.61	5,736.76	5,664.20	5,592.89	5,522.81	5,453.94	5,386.25	5,319.72
63	5,975.80	5,898.32	5,822.21	5,747.43	5,673.97	5,601.80	5,530.89	5,461.22	5,392.76
64	6,065.69	5,985.85	5,907.44	5,830.43	5,754.79	5,680.50	5,607.53	5,535.85	5,465.43
65	6,155.43	6,073.20	5,992.46	5,913.18	5,835.34	5,758.90	5,683.85	5,610.13	5,537.74

ANNUITY TABLE, Continued

Month	2%	2½ %	3%	3½ %	4%	4½ %	5%	5½ %	6%
66	6,245.03	6,160.36	6,077.26	5,995.69	5,915.62	5,837.02	5,759.85	5,684.08	5,609.69
67	6,334.47	6,247.35	6,161.86	6,077.97	5,995.64	5,914.84	5,835.53	5,757.69	5,681.29
68	6,423.76	6,334.15	6,246.24	6,160.00	6,075.38	5,992.36	5,910.90	5,830.97	5,752.52
69	6,512.91	6,420.77	6,330.42	6,241.79	6,154.87	6,069.60	5,985.96	5,903.91	5,823.41
70	6,601.90	6,507.22	6,414.38	6,323.36	6,234.09	6,146.55	6,060.71	5,976.51	5,893.94
71	6,690.75	6,593.48	6,498.14	6,404.67	6,313.04	6,223.22	6,135.14	6,048.79	5,964.12
72	6,779.45	6,679.57	6,581.68	6,485.75	6,391.74	6,299.59	6,209.27	6,120.74	6,033.95
73	6,868.01	6,765.47	6,665.02	6,566.60	6,470.17	6,375.68	6,283.09	6,192.36	6,103.43
74	6,956.14	6,851.20	6,748.15	6,647.21	6,548.34	6,451.49	6,356.61	6,263.65	6,172.57
75	7,044.67	6,936.75	6,831.07	6,727.59	6,626.26	6,527.01	6,429.82	6,334.61	6,241.36
76	7,132.78	7,022.12	6,913.79	6,807.74	6,703.91	6,602.26	6,502.72	6,405.26	6,309.81
77	7,220.75	7,107.31	6,996.29	6,887.65	6,781.31	6,677.22	6,575.32	6,475.58	6,377.92
78	7,308.57	7,192.33	7,078.60	6,967.32	6,858.44	6,751.90	6,647.63	6,545.58	6,445.69
79	7,396.24	7,277.16	7,160.70	7,046.77	6,935.33	6,826.30	6,719.63	6,615.26	6,513.13
80	7,483.77	7,361.83	7,242.59	7,125.99	7,011.95	6,900.42	6,791.33	6,684.62	6,580.23
81	7,571.15	7,446.31	7,324.28	7,204.97	7,088.33	6,974.27	6,862.74	6,753.66	6,646.99
82	7,658.38	7,530.63	7,405.77	7,283.73	7,164.44	7,047.84	6,933.84	6,822.39	6,713.42
83	7,745.48	7,614.76	7,487.05	7,362.26	7,240.31	7,121.13	7,004.66	6,890.8*	6,779.53
84	7,832.42	7,698.72	7,568.13	7,440.55	7,315.92	7,194.16	7,075.18	6,958.92	6,845.30
85	7,919.22	7,782.51	7,649.00	7,518.62	7,391.29	7,266.91	7,145.41	7,026.71	6,910.75
86	8,005.88	7,866.12	7,729.68	7,596.47	7,466.40	7,339.38	7,215.34	7,094.20	6,975.87
87	8,092.39	7,949.56	7,810.15	7,674.09	7,541.26	7,411.59	7,284.99	7,161.37	7,040.66
88	8,178.76	8,032.82	7,890.43	7,751.48	7,615.87	7,483.53	7,354.34	7,228.24	7,105.14
89	8,264.99	8,115.92	7,970.50	7,828.64	7,690.24	7,555.19	7,423.41	7,294.81	7,169.29
90	8,351.07	8,198.84	8,050.38	7,905.59	7,764.36	7,626.59	7,492.20	7,361.07	7,233.13
91	8,437.01	8,281.58	8,130.05	7,982.30	7,838.23	7,697.73	7,560.69	7,427.03	7,296.64
92	8,522.80	8,364.16	8,209.53	8,058.80	7,911.86	7,768.60	7,628.91	7,492.69	7,359.84
93	8,608.45	8,446.56	8,288.81	8,135.07	7,985.24	7,839.20	7,696.84	7,558.05	7,422.73
94	8,693.96	8,528.79	8,367.89	8,211.12	8,058.38	7,909.54	7,764.48	7,623.11	7,485.30
95	8,779.33	8,610.85	8,446.77	8,286.95	8,131.27	7,979.61	7,831.85	7,687.87	7,547.56
96	8,864.56	8,692.74	8,525.46	8,362.56	8,203.93	8,049.43	7,898.94	7,752.34	7,609.52
97	8,949.64	8,774.46	8,603.95	8,437.95	8,276.34	8,118.98	7,965.75	7,816.51	7,671.16
98	9,034.58	8,856.01	8,682.24	8,513.12	8,348.51	8,188.28	8,032.28	7,880.40	7,732.50

99	9,119.38	8,937.39	8,760.34	8,588.07	8,420.44	8,257.31	8,098.54	7,943.99	7,793.53
100	9,204.04	9,018.60	8,838.24	8,662.81	8,492.14	8,326.09	8,164.52	8,007.29	7,854.26
101	9,288.56	9,099.65	8,915.95	8,737.32	8,563.59	8,394.61	8,230.23	8,070.30	7,914.69
102	9,372.94	9,180.52	8,993.47	8,811.62	8,634.81	8,462.87	8,295.66	8,133.02	7,974.81
103	9,457.18	9,261.23	9,070.79	8,885.70	8,705.79	8,530.88	8,360.82	8,195.46	8,034.64
104	9,541.28	9,341.76	9,147.92	8,959.57	8,776.53	8,598.64	8,425.72	8,257.61	8,094.17
105	9,625.24	9,422.13	9,224.86	9,033.23	8,847.04	8,666.14	8,490.34	8,319.48	8,153.40
106	9,709.05	9,502.34	9,301.61	9,106.66	8,917.32	8,733.39	8,554.69	8,381.07	8,212.34
107	9,792.73	9,582.37	9,378.16	9,179.89	8,987.36	8,800.39	8,618.78	8,442.37	8,270.98
108	9,876.27	9,662.24	9,454.53	9,252.90	9,057.17	8,867.14	8,682.61	8,503.40	8,329.34
109	9,959.67	9,741.95	9,530.70	9,325.70	9,126.75	8,933.63	8,746.16	8,564.15	8,387.40
110	10,042.94	9,821.49	9,606.68	9,398.29	9,196.10	8,999.88	8,809.46	8,624.62	8,445.17
111	10,126.06	9,900.86	9,682.48	9,470.67	9,265.21	9,065.89	8,872.49	8,684.81	8,502.66
112	10,209.04	9,980.07	9,758.08	9,542.83	9,334.10	9,131.64	8,935.26	8,744.73	8,559.86
113	10,291.89	10,059.11	9,833.50	9,614.79	9,402.75	9,197.15	8,997.77	8,804.38	8,616.78
114	10,374.60	10,137.99	9,908.72	9,686.54	9,471.18	9,262.42	9,060.02	8,863.75	8,673.41
115	10,457.17	10,216.71	9,983.77	9,758.08	9,539.39	9,327.44	9,122.01	8,922.86	8,729.76
116	10,539.60	10,295.26	10,058.62	9,829.41	9,607.36	9,392.22	9,183.74	8,981.69	8,785.83
117	10,621.90	10,373.65	10,133.29	9,900.53	9,675.11	9,456.76	9,245.22	9,040.26	8,841.62
118	10,704.06	10,451.87	10,207.77	9,971.45	9,742.64	9,521.06	9,306.44	9,098.55	8,897.14
119	10,786.08	10,529.93	10,282.06	10,042.16	9,809.94	9,585.11	9,367.41	9,156.59	8,952.38
120	10,867.97	10,607.83	10,356.17	10,112.66	9,877.01	9,648.93	9,428.13	9,214.35	9,007.34
121	10,949.72	10,685.57	10,430.10	10,182.96	9,943.87	9,712.51	9,488.59	9,271.86	9,062.03
122	11,031.34	10,763.15	10,503.84	10,253.06	10,010.50	9,775.85	9,548.81	9,329.10	9,116.45
123	11,112.81	10,840.57	10,577.39	10,322.95	10,076.91	9,838.95	9,608.77	9,386.08	9,170.59
124	11,194.16	10,917.82	10,650.77	10,392.64	10,143.10	9,901.82	9,668.49	9,442.80	9,224.47
125	11,275.37	10,994.91	10,723.96	10,462.12	10,209.07	9,964.45	9,727.95	9,499.26	9,278.08
126	11,356.44	11,071.85	10,796.96	10,531.41	10,274.82	10,026.85	9,787.17	9,555.47	9,331.42
127	11,437.38	11,148.62	10,869.79	10,600.49	10,340.35	10,089.02	9,846.15	9,611.41	9,384.50
128	11,518.18	11,225.24	10,942.43	10,669.37	10,405.66	10,150.95	9,904.88	9,667.11	9,437.32
129	11,596.85	11,301.69	11,014.89	10,738.05	10,470.76	10,212.65	9,963.36	9,722.54	9,489.87
130	11,679.38	11,377.99	11,087.18	10,806.53	10,535.64	10,274.13	10,021.61	9,777.73	9,542.16
131	11,759.78	11,454.12	11,159.28	10,874.81	10,600.31	10,335.37	10,079.61	9,832.66	9,594.18
132	11,840.05	11,530.10	11,231.20	10,942.90	10,664.76	10,396.38	10,137.37	9,887.35	9,645.95
133	11,920.18	11,605.92	11,302.94	11,010.78	10,729.00	10,457.17	10,194.89	9,941.78	9,697.47

ANNUITY TABLE, Continued

Month	2%	2½%	3%	3½%	4%	4½%	5%	5½%	6%
134	12,000.18	11,681.59	11,374.51	11,078.47	10,793.02	10,517.73	10,252.17	9,995.96	9,748.72
135	12,080.05	11,757.09	11,445.89	11,145.96	10,856.83	10,578.06	10,309.22	10,049.90	9,799.73
136	12,159.78	11,832.44	11,517.10	11,213.25	10,920.43	10,638.16	10,366.03	10,103.59	9,850.47
137	12,239.38	11,907.63	11,588.13	11,280.35	10,983.82	10,698.05	10,422.60	10,157.04	9,900.97
138	12,318.85	11,982.67	11,658.98	11,347.26	11,046.99	10,757.71	10,478.94	10,210.24	9,951.12
139	12,398.19	12,057.55	11,729.66	11,413.97	11,109.96	10,817.14	10,535.04	10,263.20	10,001.21
140	12,477.39	12,132.27	11,800.16	11,480.48	11,172.72	10,876.35	10,590.91	10,315.92	10,050.95
141	12,556.46	12,206.84	11,870.48	11,546.80	11,235.27	10,935.35	10,646.55	10,368.40	10,100.45
142	12,635.41	12,281.26	11,940.63	11,612.93	11,297.61	10,994.12	10,701.96	10,420.64	10,149.70
143	12,714.21	12,355.52	12,010.60	11,678.87	11,359.74	11,052.67	10,757.14	10,472.64	10,198.71
144	12,792.89	12,429.62	12,080.40	11,744.61	11,421.67	11,111.01	10,812.09	10,524.40	10,247.47
145	12,871.44	12,503.57	12,150.03	11,810.17	11,483.39	11,169.12	10,866.81	10,575.93	10,295.99
146	12,949.86	12,577.37	12,219.48	11,875.53	11,544.91	11,227.02	10,921.30	10,627.22	10,344.27
147	13,028.14	12,651.01	12,288.76	11,940.70	11,606.22	11,284.70	10,975.57	10,678.28	10,392.31
148	13,106.30	12,724.50	12,357.86	12,005.69	11,667.33	11,342.17	11,029.61	10,729.11	10,440.11
149	13,184.33	12,797.84	12,426.79	12,070.48	11,728.24	11,399.42	11,083.43	10,779.70	10,487.67
150	13,262.22	12,871.03	12,495.56	12,135.09	11,788.94	11,456.46	11,137.03	10,830.06	10,534.99
151	13,339.94	12,944.06	12,564.15	12,199.51	11,849.44	11,513.28	11,190.40	10,880.19	10,582.08
152	13,417.63	13,016.94	12,632.56	12,263.74	11,909.74	11,569.90	11,243.55	10,930.10	10,628.94
153	13,495.13	13,089.67	12,700.81	12,327.78	11,969.84	11,626.30	11,296.49	10,979.77	10,675.56
154	13,572.51	13,162.25	12,768.89	12,391.64	12,029.74	11,682.49	11,349.20	11,029.22	10,721.95
155	13,649.76	13,234.68	12,836.80	12,455.31	12,089.45	11,738.47	11,401.69	11,078.45	10,768.11
156	13,726.89	13,306.96	12,904.54	12,518.80	12,143.95	11,794.24	11,453.97	11,127.44	10,814.04
157	13,803.88	13,379.08	12,972.11	12,582.10	12,208.25	11,849.80	11,506.02	11,176.22	10,859.74
158	13,880.75	13,451.06	13,039.51	12,645.22	12,267.36	11,905.16	11,557.87	11,224.77	10,905.21
159	13,957.48	13,522.89	13,106.74	12,708.15	12,326.28	11,960.31	11,609.49	11,273.11	10,950.46
160	14,034.09	13,594.56	13,173.81	12,770.90	12,384.99	12,015.25	11,660.91	11,321.22	10,995.48
161	14,110.57	13,666.09	13,240.70	12,833.47	12,443.51	12,069.99	11,712.11	11,369.11	11,040.28
162	14,186.93	13,737.47	13,307.44	12,895.86	12,501.84	12,124.52	11,763.09	11,416.78	11,084.86
163	14,263.16	13,808.71	13,374.00	12,958.07	12,559.97	12,178.85	11,813.87	11,464.24	11,129.21
164	14,339.26	13,879.79	13,440.40	13,020.09	12,617.91	12,232.98	11,864.43	11,511.48	11,173.35
165	14,415.23	13,950.73	13,506.63	13,081.93	12,675.66	12,286.90	11,914.79	11,558.50	11,217.26

166	14,491.08	14,021.51	13,572.70	13,143.60	12,733.22	12,340.63	11,964.93	11,605.31	11,260.95
167	14,566.80	14,092.16	13,638.60	13,205.08	12,790.58	12,394.15	12,014.87	11,651.90	11,304.43
168	14,642.40	14,162.65	13,704.34	13,266.39	12,847.76	12,447.47	12,064.60	11,698.29	11,347.69
169	14,717.87	14,233.00	13,769.92	13,327.52	12,904.74	12,500.59	12,114.13	11,744.46	11,390.74
170	14,793.21	14,303.20	13,835.33	13,388.47	12,961.54	12,553.52	12,163.45	11,790.42	11,433.57
171	14,868.43	14,373.25	13,900.58	13,449.24	13,018.14	12,606.24	12,212.56	11,836.17	11,476.19
172	14,943.53	14,443.16	13,965.66	13,509.84	13,074.56	12,658.77	12,261.47	11,881.71	11,518.60
173	15,018.50	14,512.93	14,030.59	13,570.26	13,130.79	12,711.11	12,310.18	11,927.05	11,560.79
174	15,093.34	14,582.55	14,095.35	13,630.50	13,186.84	12,763.24	12,358.68	11,972.17	11,602.78
175	15,168.06	14,652.02	14,159.95	13,690.57	13,242.69	12,815.19	12,406.99	12,017.09	11,644.56
176	15,242.66	14,721.35	14,224.39	13,750.47	13,298.36	12,866.94	12,455.09	12,061.81	11,686.13
177	15,317.13	14,790.54	14,288.67	13,810.19	13,353.85	12,918.49	12,503.00	12,106.32	11,727.49
178	15,391.48	14,859.58	14,352.79	13,869.73	13,409.15	12,969.85	12,550.70	12,150.63	11,768.65
179	15,465.70	14,928.48	14,416.74	13,929.11	13,464.27	13,021.03	12,598.21	12,194.74	11,809.60
180	15,539.80	14,997.24	14,480.54	13,988.31	13,519.21	13,072.01	12,645.52	12,238.65	11,850.35
181	15,613.78	15,065.85	14,544.18	14,047.34	13,573.96	13,122.79	12,692.63	12,282.35	11,890.89
182	15,687.63	15,134.32	14,607.66	14,106.19	13,628.53	13,173.39	12,739.55	12,325.86	11,931.24
183	15,761.36	15,202.65	14,670.99	14,164.88	13,682.93	13,223.81	12,786.28	12,369.17	11,971.38
184	15,834.97	15,270.83	14,734.15	14,223.39	13,737.13	13,274.03	12,832.81	12,412.28	12,011.32
185	15,908.46	15,338.88	14,797.16	14,281.74	13,791.16	13,324.06	12,879.14	12,455.19	12,051.07
186	15,981.82	15,406.78	14,860.01	14,339.91	13,845.01	13,373.91	12,925.29	12,497.91	12,090.61
187	16,055.06	15,474.54	14,922.70	14,397.92	13,898.69	13,423.57	12,971.24	12,540.43	12,129.96
188	16,128.18	15,542.16	14,985.24	14,455.76	13,952.18	13,473.05	13,017.00	12,582.76	12,169.12
189	16,201.18	15,609.64	15,047.62	14,513.43	14,005.49	13,522.34	13,062.58	12,624.90	12,208.08
190	16,274.06	15,676.98	15,109.84	14,570.93	14,058.63	13,571.45	13,107.96	12,666.84	12,246.84
191	16,346.81	15,744.18	15,171.91	14,628.26	14,111.59	13,620.37	13,153.15	12,708.59	12,285.42
192	16,419.45	15,811.24	15,233.83	14,685.43	14,164.38	13,669.11	13,198.16	12,750.15	12,323.80
193	16,491.96	15,878.16	15,295.59	14,742.43	14,216.99	13,717.67	13,242.98	12,791.53	12,361.99
194	16,564.35	15,944.94	15,357.20	14,799.27	14,269.42	13,766.05	13,287.62	12,832.71	12,399.99
195	16,636.62	16,011.59	15,418.65	14,855.94	14,321.68	13,814.24	13,332.07	12,873.71	12,437.80
196	16,708.78	16,078.09	15,479.95	14,912.44	14,373.77	13,862.26	13,376.33	12,914.51	12,475.42
197	16,780.81	16,144.46	15,541.10	14,968.78	14,425.69	13,910.10	13,420.41	12,955.14	12,512.86
198	16,852.72	16,210.68	15,602.09	15,024.96	14,477.43	13,957.76	13,464.31	12,995.57	12,550.11
199	16,924.51	16,276.77	15,662.93	15,080.97	14,529.00	14,005.24	13,508.03	13,035.83	12,587.17
200	16,996.19	16,342.73	15,723.63	15,136.82	14,580.40	14,052.54	13,551.56	13,075.89	12,624.05

ANNUITY TABLE, Continued

Month	2%	2½%	3%	3½%	4%	4½%	5%	5½%	6%
201	17,067.74	16,408.54	15,784.17	15,192.51	14,631.62	14,099.66	13,594.92	13,115.78	12,660.75
202	17,139.17	16,474.22	15,844.55	15,248.04	14,682.68	14,146.61	13,638.09	13,155.48	12,697.26
203	17,210.49	16,539.76	15,904.79	15,303.40	14,733.57	14,193.39	13,681.09	13,195.01	12,733.59
204	17,281.69	16,605.17	15,964.88	15,358.61	14,784.29	14,239.99	13,723.91	13,234.35	12,769.74
205	17,352.77	16,670.44	16,024.82	15,413.65	14,834.84	14,286.42	13,766.55	13,273.51	12,805.72
206	17,423.73	16,735.57	16,084.61	15,468.54	14,885.22	14,332.67	13,809.01	13,312.50	12,841.51
207	17,494.57	16,800.57	16,144.25	15,523.26	14,935.44	14,378.75	13,851.29	13,351.30	12,877.12
208	17,565.29	16,865.44	16,203.74	15,577.82	14,985.49	14,424.66	13,893.40	13,389.93	12,912.56
209	17,635.90	16,930.16	16,263.08	15,632.23	15,035.37	14,470.39	13,935.34	13,428.39	12,947.82
210	17,706.39	16,994.76	16,322.27	15,686.48	15,085.08	14,515.96	13,977.10	13,466.66	12,982.91
211	17,776.76	17,059.22	16,381.32	15,740.57	15,134.64	14,561.35	14,018.69	13,504.77	13,017.82
212	17,847.02	17,123.54	16,440.22	15,794.50	15,184.02	14,606.58	14,060.11	13,542.70	13,052.55
213	17,917.15	17,187.74	16,498.97	15,848.28	15,233.24	14,651.63	14,101.35	13,580.45	13,087.12
214	17,987.18	17,215.18	16,557.58	15,901.90	15,282.30	14,696.52	14,142.43	13,618.04	13,121.51
215	18,057.08	17,315.72	16,616.04	15,955.36	15,331.20	14,741.24	14,183.33	13,655.45	13,155.73
216	18,126.87	17,379.51	16,674.35	16,008.67	15,379.93	14,785.79	14,224.06	13,692.69	13,189.78
217	18,196.54	17,443.17	16,732.52	16,061.82	15,428.50	14,830.18	14,264.63	13,729.76	13,223.66
218	18,266.10	17,506.70	16,790.54	16,114.82	15,476.91	14,874.40	14,305.02	13,766.67	13,257.38
219	18,335.54	17,570.10	16,848.42	16,167.66	15,525.16	14,918.46	14,345.25	13,803.40	13,290.92
220	18,404.86	17,633.36	16,906.16	16,220.35	15,573.25	14,962.35	14,385.31	13,839.97	13,324.30
221	18,474.07	17,696.49	16,963.75	16,272.89	15,621.18	15,006.08	14,425.21	13,876.37	13,357.51
222	18,543.17	17,759.49	17,021.20	16,325.28	15,668.95	15,049.64	14,464.93	13,912.60	13,390.56
223	18,612.15	17,822.36	17,078.50	16,377.51	15,716.56	15,093.04	14,504.50	13,948.67	13,423.44
224	18,681.01	17,885.10	17,135.66	16,429.59	15,764.02	15,136.28	14,543.90	13,984.57	13,456.16
225	18,749.76	17,947.71	17,192.68	16,481.52	15,811.31	15,179.36	14,583.14	14,020.31	13,488.72
226	18,818.40	18,010.19	17,249.55	16,533.29	15,858.45	15,222.27	14,622.21	14,055.89	13,521.11
227	18,886.92	18,072.54	17,306.29	16,584.92	15,905.43	15,265.03	14,661.12	14,091.31	13,553.35
228	18,955.33	18,134.76	17,362.88	16,636.40	15,952.26	15,307.63	14,699.87	14,126.56	13,585.42
229	19,023.62	18,196.85	17,419.33	16,687.73	15,998.93	15,350.06	14,738.46	14,161.65	13,617.33
230	19,091.80	18,258.81	17,475.64	16,738.91	16,045.44	15,392.34	14,776.89	14,196.58	13,649.09
231	19,159.87	18,320.64	17,531.81	16,789.93	16,091.81	15,434.46	14,815.16	14,231.36	13,680.68
232	19,227.82	18,382.35	17,587.84	16,840.82	16,138.01	15,476.43	14,853.27	14,265.97	13,712.12

233	19,295.66	18,443.92	17,643.74	16,891.55	16,184.06	15,518.23	14,891.23	14,300.43	13,743.41
234	19,363.39	18,505.37	17,699.49	16,942.13	16,229.96	15,559.88	14,929.02	14,334.73	13,774.53
235	19,431.01	18,566.69	17,755.10	16,992.57	16,275.71	15,601.38	14,966.66	14,368.87	13,805.51
236	19,498.51	18,627.88	17,810.57	17,042.86	16,321.31	15,642.72	15,004.14	14,402.86	13,836.32
237	19,565.90	18,688.94	17,865.91	17,093.01	16,366.75	15,683.90	15,041.47	14,436.69	13,866.99
238	19,633.18	18,749.88	17,921.10	17,143.01	16,412.05	15,724.94	15,078.64	14,470.37	13,897.50
239	19,700.34	18,810.69	17,976.16	17,192.86	16,457.19	15,765.81	15,115.66	14,503.89	13,927.86
240	19,767.40	18,871.38	18,031.09	17,242.57	16,502.18	15,806.54	15,152.53	14,537.26	13,958.07
241	19,834.34	18,931.94	18,085.87	17,292.14	16,547.02	15,847.11	15,189.24	14,570.48	13,988.13
242	19,901.17	18,992.37	18,140.52	17,341.56	16,591.72	15,887.53	15,225.80	14,603.55	14,018.04
243	19,967.89	19,052.68	18,195.03	17,390.83	16,636.26	15,927.80	15,262.20	14,636.46	14,047.80
244	20,034.50	19,112.86	18,249.41	17,439.97	16,680.66	15,967.92	15,298.46	14,669.23	14,077.42
245	20,101.00	19,172.91	18,303.65	17,488.96	16,724.91	16,007.90	15,334.57	14,701.84	14,106.88
246	20,167.39	19,232.84	18,357.76	17,537.81	16,769.02	16,047.72	15,370.52	14,734.31	14,136.20
247	20,233.67	19,292.65	18,411.73	17,586.51	16,812.97	16,087.39	15,406.33	14,766.63	14,165.37
248	20,299.83	19,352.33	18,465.56	17,635.08	16,856.78	16,126.91	15,441.99	14,798.80	14,194.40
249	20,365.89	19,411.89	18,519.26	17,683.50	16,900.45	16,166.29	15,477.50	14,830.83	14,223.28
250	20,431.84	19,471.33	18,572.83	17,731.78	16,943.97	16,205.52	15,512.86	14,862.71	14,252.02
251	20,497.67	19,530.64	18,626.27	17,779.92	16,987.34	16,244.60	15,548.08	14,894.44	14,280.62
252	20,563.40	19,589.83	18,679.57	17,827.93	17,030.58	16,283.54	15,583.15	14,926.03	14,309.08
253	20,629.02	19,648.89	18,732.74	17,875.79	17,073.66	16,322.33	15,618.07	14,957.48	14,337.39
254	20,694.53	19,707.83	18,785.77	17,923.51	17,116.61	16,360.98	15,652.85	14,988.78	14,365.56
255	20,759.93	19,766.65	18,838.67	17,971.09	17,159.41	16,399.48	15,687.49	15,019.94	14,393.59
256	20,825.22	19,825.35	18,891.45	18,018.54	17,202.07	16,437.84	15,721.98	15,050.95	14,421.49
257	20,890.40	19,883.93	18,944.09	18,065.85	17,244.59	16,476.05	15,756.33	15,081.83	14,449.24
258	20,955.48	19,942.38	18,996.59	18,113.02	17,286.96	16,514.12	15,790.53	15,112.56	14,476.85
259	21,020.44	20,000.71	19,048.97	18,160.05	17,329.20	16,552.05	15,824.60	15,143.16	14,504.33
260	21,085.30	20,058.92	19,101.22	18,206.95	17,371.30	16,589.84	15,858.52	15,173.61	14,531.67
261	21,150.05	20,117.01	19,153.34	18,253.71	17,413.25	16,627.49	15,892.30	15,203.92	14,558.88
262	21,214.69	20,174.98	19,205.32	18,300.33	17,455.07	16,664.99	15,925.95	15,234.10	14,585.95
263	21,279.23	20,232.83	19,257.18	18,346.82	17,496.75	16,702.36	15,959.45	15,264.14	14,612.89
264	21,343.65	20,290.56	19,308.91	18,393.17	17,538.28	16,739.59	15,992.81	15,294.04	14,639.69
265	21,407.97	20,348.16	19,360.51	18,439.39	17,579.69	16,776.67	16,026.04	15,323.81	14,666.36
266	21,472.19	20,405.65	19,411.98	18,485.48	17,620.95	16,813.62	16,059.12	15,353.44	14,692.89
267	21,536.29	20,463.02	19,463.32	18,531.43	17,662.08	16,850.43	16,092.07	15,382.93	14,719.29

ANNUITY TABLE, Continued

Month	2%	2½ %	3%	3½ %	4%	4½ %	5%	5½ %	6%
268	21,600.29	20,520.27	19,514.53	18,577.24	17,703.07	16,887.11	16,124.89	15,412.29	14,745.57
269	21,664.19	20,577.40	19,565.62	18,622.93	17,743.92	16,923.64	16,157.56	15,441.52	14,771.71
270	21,727.97	20,634.41	19,616.58	18,668.48	17,784.64	16,960.04	16,190.10	15,470.61	14,797.72
271	21,791.65	20,691.30	19,667.41	18,713.89	17,825.22	16,996.31	16,222.51	15,499.57	14,823.60
272	21,855.23	20,748.08	19,718.11	18,759.18	17,865.67	17,032.43	16,254.78	15,528.40	14,849.36
273	21,918.70	20,804.74	19,768.69	18,804.33	17,905.93	17,068.43	16,286.92	15,557.10	14,874.98
274	21,982.06	20,861.28	19,819.14	18,849.36	17,946.16	17,104.29	16,318.92	15,585.66	14,900.48
275	22,045.32	20,917.70	19,869.47	18,894.25	17,986.21	17,140.01	16,350.80	15,614.10	14,925.85
276	22,108.47	20,974.00	19,919.67	18,939.01	18,026.12	17,175.60	16,382.53	15,642.41	14,951.09
277	22,171.52	21,030.19	19,969.74	18,983.64	18,065.90	17,211.06	16,414.14	15,670.58	14,976.21
278	22,234.46	21,086.26	20,019.70	19,028.14	18,105.55	17,246.39	16,445.62	15,698.63	15,001.21
279	22,297.30	21,142.21	20,069.52	19,072.51	18,145.06	17,281.58	16,476.96	15,726.55	15,026.08
280	22,360.03	21,198.05	20,119.22	19,116.76	18,184.45	17,316.64	16,508.18	15,754.34	15,050.82
281	22,422.66	21,253.77	20,168.80	19,160.87	18,223.70	17,351.58	16,539.27	15,782.01	15,075.44
282	22,485.18	21,309.38	20,218.26	19,204.86	18,262.83	17,386.38	16,570.22	15,809.55	15,099.94
283	22,547.61	21,364.87	20,267.59	19,248.71	18,301.82	17,421.05	16,601.05	15,836.96	15,124.32
284	22,609.92	21,420.24	20,316.80	19,292.44	18,340.69	17,455.59	16,631.75	15,864.25	15,148.58
285	22,672.14	21,475.50	20,365.88	19,336.05	18,379.42	17,490.00	16,662.33	15,891.41	15,172.72
286	22,734.24	21,530.64	20,414.84	19,379.52	18,418.03	17,524.29	16,692.77	15,918.46	15,196.73
287	22,796.25	21,585.67	20,463.68	19,422.87	18,456.51	17,558.44	16,723.10	15,945.37	15,220.63
288	22,858.15	21,640.59	20,512.40	19,466.10	18,494.86	17,592.47	16,753.29	15,972.17	15,244.41
289	22,919.95	21,695.39	20,561.00	19,509.20	18,533.08	17,626.37	16,783.36	15,998.84	15,268.07
290	22,981.65	21,750.03	20,609.48	19,552.17	18,571.17	17,660.15	16,813.30	16,025.39	15,291.61
291	23,043.25	21,804.65	20,657.83	19,595.02	18,609.14	17,693.79	16,843.12	16,051.82	15,315.03
292	23,104.74	21,859.11	20,706.07	19,637.74	18,646.99	17,727.32	16,872.82	16,078.13	15,338.34
293	23,166.13	21,913.46	20,754.18	19,680.34	18,684.71	17,760.71	16,902.39	16,104.31	15,361.53
294	23,227.42	21,967.69	20,802.18	19,722.81	18,722.30	17,793.99	16,931.84	16,130.38	15,384.61
295	23,288.60	22,021.81	20,850.05	19,765.17	18,759.77	17,827.13	16,961.17	16,156.33	15,407.57
296	23,349.69	22,075.82	20,897.81	19,807.39	18,797.11	17,860.16	16,990.38	16,182.17	15,430.42
297	23,410.67	22,129.72	20,945.44	19,849.50	18,834.33	17,893.06	17,019.47	16,207.88	15,453.16
298	23,471.55	22,183.50	20,992.96	19,891.48	18,871.42	17,925.84	17,048.43	16,233.48	15,475.78
299	23,532.33	22,237.18	21,040.36	19,933.34	18,908.39	17,958.49	17,077.27	16,258.96	15,498.28

300	23,593.01	22,290.74	21,087.64	19,975.08	18,945.24	17,991.03	17,106.00	16,284.32	15,520.68
301	23,653.58	22,344.19	21,134.80	20,016.70	18,981.97	18,023.44	17,134.61	16,309.57	15,542.97
302	23,714.06	22,397.53	21,181.85	20,053.20	19,018.57	18,055.73	17,163.09	16,334.70	15,565.14
303	23,774.44	22,450.75	21,228.78	20,099.57	19,055.06	18,087.90	17,191.46	16,359.72	15,587.20
304	23,834.71	22,503.87	21,275.59	20,140.83	19,091.42	18,119.95	17,219.71	16,384.62	15,609.16
305	23,894.89	22,556.88	21,322.28	20,181.97	19,127.66	18,151.88	17,247.85	16,409.41	15,631.00
306	23,954.96	22,609.77	21,368.86	20,222.98	19,163.78	18,183.69	17,275.86	16,434.09	15,652.74
307	24,014.94	22,662.56	21,415.32	20,263.88	19,199.78	18,215.38	17,303.76	16,458.65	15,674.37
308	24,074.81	22,715.24	21,461.67	20,304.66	19,235.66	18,246.96	17,331.55	16,483.11	15,695.89
309	24,134.59	22,767.80	21,507.90	20,345.32	19,271.43	18,278.41	17,359.22	16,507.45	15,717.30
310	24,194.26	22,820.26	21,554.01	20,385.86	19,307.07	18,309.75	17,386.77	16,531.63	15,738.61
311	24,253.84	22,872.61	21,600.01	20,426.28	19,342.59	18,340.97	17,414.22	16,555.80	15,759.81
312	24,313.32	22,924.85	21,645.90	20,466.59	19,378.00	18,372.08	17,441.54	16,579.80	15,780.91
313	24,372.70	22,976.98	21,691.67	20,506.78	19,413.20	18,403.07	17,468.76	16,603.70	15,801.90
314	24,431.98	23,029.00	21,737.33	20,546.85	19,448.46	18,433.94	17,495.86	16,627.50	15,822.73
315	24,491.16	23,080.92	21,782.87	20,586.80	19,483.52	18,464.70	17,522.84	16,651.18	15,843.56
316	24,550.24	23,132.72	21,828.30	20,626.64	19,518.45	18,495.34	17,549.72	16,674.75	15,864.24
317	24,609.23	23,184.42	21,873.61	20,666.36	19,553.28	18,525.87	17,576.49	16,698.22	15,884.82
318	24,668.11	23,236.02	21,918.82	20,705.97	19,587.98	18,556.28	17,603.14	16,721.58	15,905.29
319	24,726.90	23,287.50	21,963.91	20,745.46	19,622.57	18,586.58	17,629.68	16,744.83	15,925.66
320	24,785.59	23,338.88	22,008.88	20,784.84	19,657.05	18,616.77	17,656.11	16,767.98	15,945.93
321	24,844.18	23,390.15	22,053.75	20,824.11	19,691.41	18,646.84	17,682.44	16,791.02	15,966.10
322	24,902.68	23,441.31	22,098.50	20,863.25	19,725.66	18,676.81	17,708.65	16,813.95	15,986.17
323	24,961.08	23,492.37	22,143.15	20,902.29	19,759.79	18,706.66	17,734.76	16,836.79	16,006.14
324	25,019.38	23,543.32	22,187.68	20,941.21	19,793.82	18,736.39	17,760.75	16,859.51	16,026.01
325	25,077.58	23,594.17	22,232.10	20,980.02	19,827.72	18,766.02	17,786.64	16,882.14	16,045.73
326	25,135.69	23,644.91	22,276.41	21,018.71	19,861.52	18,795.54	17,812.42	16,904.66	16,065.45
327	25,193.70	23,695.54	22,320.60	21,057.30	19,895.20	18,824.94	17,838.10	16,927.07	16,085.03
328	25,251.62	23,746.07	22,364.69	21,095.77	19,928.77	18,854.24	17,863.67	16,949.39	16,104.51
329	25,309.43	23,796.49	22,408.67	21,134.13	19,962.23	18,883.43	17,889.13	16,971.60	16,123.89
330	25,367.15	23,846.81	22,452.54	21,172.37	19,995.58	18,912.51	17,914.49	16,993.71	16,143.17
331	25,424.78	23,897.03	22,496.30	21,210.51	20,028.82	18,941.48	17,939.74	17,015.73	16,162.36
332	25,482.31	23,947.14	22,539.95	21,248.53	20,061.94	18,970.34	17,964.88	17,037.64	16,181.45
333	25,539.74	23,997.14	22,583.49	21,286.45	20,094.96	18,999.09	17,989.92	17,059.45	16,200.45
334	25,597.08	24,047.04	22,626.92	21,324.25	20,127.87	19,027.74	18,014.86	17,081.16	16,219.35

ANNUITY TABLE, Continued

Month	2%	2½%	3%	3½%	4%	4½%	5%	5½%	6%
335	25,654.32	24,096.84	22,670.25	21,361.95	20,160.66	19,056.28	18,039.70	17,102.77	16,238.16
336	25,711.47	24,146.54	22,713.46	21,399.53	20,193.35	19,084.71	18,064.43	17,124.28	16,256.88
337	25,768.52	24,196.13	22,756.57	21,437.01	20,225.93	19,113.03	18,089.06	17,145.70	16,275.50
338	25,825.48	24,245.62	22,799.57	21,474.37	20,258.41	19,141.25	18,113.58	17,167.02	16,294.03
339	25,882.34	24,295.00	22,842.47	21,511.63	20,290.77	19,169.37	18,138.01	17,188.24	16,312.47
340	25,939.11	24,344.29	22,885.25	21,548.78	20,323.03	19,197.38	18,162.33	17,209.36	16,330.82
341	25,995.79	24,393.47	22,927.93	21,585.82	20,355.18	19,225.28	18,186.56	17,230.39	16,349.07
342	26,052.37	24,442.54	22,970.51	21,622.76	20,387.22	19,253.08	18,210.68	17,251.32	16,367.23
343	26,108.85	24,491.52	23,012.97	21,659.58	20,419.15	19,280.78	18,234.70	17,272.16	16,385.31
344	26,165.24	24,540.39	23,055.34	21,696.30	20,450.98	19,308.38	18,258.62	17,292.90	16,403.29
345	26,221.54	24,589.17	23,097.59	21,732.91	20,482.71	19,335.87	18,282.45	17,313.54	16,421.18
346	26,277.74	24,637.84	23,139.74	21,769.42	20,514.33	19,363.25	18,306.17	17,334.10	16,438.99
347	26,333.85	24,686.41	23,181.79	21,805.82	20,545.84	19,390.54	18,329.80	17,354.55	16,456.71
348	26,389.87	24,734.88	23,223.73	21,842.11	20,577.25	19,417.72	18,353.32	17,374.92	16,474.33
249	26,445.79	24,783.24	23,265.57	21,878.30	20,608.56	19,444.80	18,376.75	17,395.19	16,491.88
350	26,501.62	24,831.51	23,307.30	21,914.38	20,639.76	19,471.79	18,400.09	17,415.37	16,509.33
351	26,557.36	24,879.68	23,348.92	21,950.36	20,670.85	19,498.67	18,423.32	17,435.46	16,526.69
352	26,613.01	24,927.75	23,390.45	21,986.24	20,701.85	19,525.44	18,446.46	17,455.45	16,543.97
353	26,668.56	24,975.71	23,431.87	22,022.01	20,732.74	19,552.12	18,469.51	17,475.36	16,561.17
354	26,724.02	25,023.58	23,473.19	22,057.67	20,763.53	19,578.70	18,492.45	17,495.17	16,578.28
355	26,779.39	25,071.35	23,514.40	22,093.23	20,794.21	19,605.18	18,515.31	17,514.90	16,595.30
356	26,834.66	25,119.02	23,555.51	22,128.69	20,824.80	19,631.57	18,538.06	17,534.53	16,612.24
357	26,889.85	25,166.59	23,596.52	22,164.04	20,855.28	19,657.85	18,560.73	17,554.07	16,629.09
358	26,944.94	25,214.06	23,637.43	22,199.30	20,885.66	19,684.03	18,583.30	17,573.53	16,645.87
359	26,999.94	25,261.43	23,678.23	22,234.45	20,915.94	19,710.12	18,605.77	17,592.89	16,662.55
360	27,054.85	25,308.70	23,718.93	22,269.49	20,946.12	19,736.11	18,628.16	17,612.17	16,679.16
361	27,109.66	25,355.88	23,759.53	22,304.44	20,976.20	19,762.00	18,650.45	17,631.36	16,695.68
362	27,164.39	25,402.96	23,800.03	22,339.28	21,006.18	19,787.80	18,672.64	17,650.46	16,712.12
363	27,219.02	25,449.94	23,840.43	22,374.03	21,036.06	19,813.50	18,694.75	17,669.48	16,728.48
364	27,273.57	25,496.82	23,880.73	22,408.67	21,065.84	19,839.10	18,716.76	17,688.41	16,744.75
365	27,328.02	25,543.60	23,920.93	22,443.21	21,095.52	19,864.61	18,738.68	17,707.25	16,760.95

366	27,382.38	25,590.29	23,961.03	22,477.65	21,125.10	19,890.02	18,760.52	17,726.00	16,777.06
361	27,436.66	25,636.88	24,001.02	22,511.99	21,154.59	19,915.34	18,782.26	17,744.67	16,793.10
368	27,490.84	25,683.37	24,040.92	22,546.23	21,183.97	19,940.56	18,803.91	17,763.26	16,809.05
369	27,544.93	25,729.77	24,080.72	22,580.37	21,213.26	19,965.69	18,825.47	17,781.76	16,824.93
370	27,598.93	25,776.07	24,120.42	22,614.41	21,242.46	19,990.73	18,846.94	17,800.17	16,840.72
371	27,652.84	25,822.27	24,160.02	22,648.35	21,271.55	20,015.67	18,868.32	17,818.51	16,856.44
372	27,706.67	25,868.38	24,199.52	22,682.20	21,300.55	20,040.51	18,889.61	17,836.75	16,872.08
373	27,760.40	25,914.39	24,238.92	22,715.94	21,329.45	20,065.27	18,910.82	17,854.92	16,887.64
374	27,814.04	25,960.31	24,278.23	22,749.59	21,358.26	20,089.93	18,931.94	17,873.00	16,903.13
375	27,867.50	26,006.13	24,317.43	22,783.14	21,386.97	20,114.50	18,952.96	17,891.00	16,918.53
376	27,921.06	26,051.85	24,356.54	22,816.59	21,415.58	20,138.98	18,973.91	17,908.92	16,933.86
377	27,974.44	26,097.48	24,395.55	22,849.94	21,444.10	20,163.37	18,994.76	17,926.75	16,949.12
378	28,027.72	26,143.02	24,434.47	22,883.20	21,472.53	20,187.67	19,015.53	17,944.51	16,964.30
379	28,080.92	26,188.46	24,473.28	22,916.36	21,500.86	20,211.87	19,036.21	17,962.18	16,979.40
380	28,134.03	26,233.80	24,512.00	22,949.42	21,529.09	20,235.99	19,056.81	17,979.77	16,994.43
381	28,187.05	26,279.06	24,550.63	22,982.39	21,557.24	20,260.01	19,077.32	17,997.29	17,009.38
382	28,239.99	26,324.21	24,589.15	23,015.26	21,585.28	20,283.95	19,097.75	18,014.72	17,024.26
383	28,292.83	26,369.28	24,627.59	23,048.04	21,613.24	20,307.79	19,118.09	18,032.07	17,039.06
384	28,345.59	26,414.25	24,665.92	23,080.72	21,641.10	20,331.55	19,138.34	18,049.35	17,053.79
385	28,398.26	26,459.13	24,704.16	23,113.31	21,668.87	20,355.22	19,158.52	18,066.54	17,068.45
386	28,450.84	26,503.91	24,742.30	23,145.80	21,696.55	20,378.80	19,178.61	18,083.66	17,083.04
387	28,503.34	26,548.60	24,780.35	23,178.20	21,724.14	20,402.29	19,198.61	18,100.70	17,097.55
388	28,555.74	26,593.20	24,818.31	23,210.50	21,751.63	20,425.69	19,218.54	18,117.66	17,111.99
389	28,608.06	26,637.70	24,856.17	23,242.71	21,779.03	20,449.01	19,238.38	18,134.54	17,126.36
390	28,660.30	26,682.11	24,893.93	23,274.82	21,806.35	20,472.24	19,258.13	18,151.35	17,140.65
391	28,712.44	26,726.43	24,931.60	23,306.85	21,833.57	20,495.38	19,277.81	18,168.08	17,154.88
392	28,764.50	26,770.66	24,969.18	23,338.77	21,860.70	20,518.43	19,297.40	18,184.73	17,169.03
393	28,816.47	26,814.80	25,006.66	23,370.61	21,887.74	20,541.40	19,316.92	18,201.31	17,183.12
394	28,868.36	26,858.84	25,044.05	23,402.35	21,914.69	20,564.29	19,336.35	18,217.81	17,197.13
395	28,920.16	26,902.79	25,081.35	23,434.00	21,941.55	20,587.09	19,355.70	18,234.24	17,211.08
396	28,971.87	26,946.66	25,118.55	23,465.56	21,968.32	20,609.80	19,374.97	18,250.59	17,224.95
397	29,023.50	26,990.43	25,155.66	23,497.03	21,995.01	20,632.43	19,394.16	18,266.86	17,238.76
398	29,075.04	27,034.10	25,192.68	23,528.40	22,021.60	20,654.97	19,413.27	18,283.07	17,252.50
399	29,126.50	27,077.69	25,229.61	23,559.69	22,048.11	20,677.43	19,432.30	18,299.19	17,266.17
400	29,177.87	27,121.19	25,266.44	23,590.88	22,074.53	20,699.81	19,451.26	18,315.25	17,279.77

ANNUITY TABLE, Continued

Month	2%	2½%	3%	3½%	4%	4½%	5%	5½%	6%
401	29,229.15	27,164.60	25,303.18	23,621.98	22,100.86	20,722.10	19,470.13	18,331.23	17,293.30
402	29,280.35	27,207.91	25,339.83	23,653.00	22,127.10	20,744.31	19,488.93	18,347.14	17,306.77
403	29,331.47	27,251.14	25,376.39	23,683.92	22,153.26	20,766.43	19,507.65	18,362.98	17,320.17
404	29,382.50	27,294.28	25,412.86	23,714.75	22,179.33	20,788.48	19,526.29	18,378.74	17,333.50
405	29,433.44	27,337.32	25,449.24	23,745.49	22,205.31	20,810.44	19,544.85	18,394.43	17,346.76
406	29,484.30	27,380.28	25,485.52	23,776.15	22,231.20	20,832.32	19,563.34	18,410.05	17,359.96
407	29,535.07	27,423.15	25,521.72	23,806.71	22,257.01	20,854.11	19,581.75	18,425.60	17,373.10
408	29,585.76	27,465.93	25,557.83	23,837.13	22,282.74	20,875.83	19,600.08	18,441.08	17,386.17
409	29,636.37	27,508.62	25,593.84	23,867.51	22,308.38	20,897.46	19,618.33	18,456.49	17,399.17
410	29,686.89	27,551.22	25,629.77	23,897.87	22,333.93	20,919.02	19,636.52	18,471.83	17,412.11
411	29,737.33	27,593.74	25,665.60	23,928.03	22,359.40	20,940.49	19,654.62	18,487.09	17,424.99
412	29,787.68	27,636.16	25,701.35	23,958.20	22,384.78	20,961.88	19,672.65	18,502.29	17,437.80
413	29,837.95	27,678.50	25,737.01	23,988.23	22,410.08	20,983.20	19,690.61	18,517.42	17,450.54
414	29,888.14	27,720.74	25,772.53	24,018.13	22,435.30	21,004.43	19,708.49	18,532.48	17,463.23
415	29,938.24	27,762.91	25,808.06	24,043.04	22,460.43	21,025.58	19,726.30	18,547.47	17,475.85
416	29,988.26	27,804.98	25,843.45	24,077.81	22,435.48	21,046.66	19,744.03	18,562.39	17,483.41
417	30,038.20	27,846.96	25,878.75	24,107.50	22,510.44	21,067.66	19,761.69	18,577.25	17,500.90
418	30,088.05	27,888.86	25,913.96	24,137.10	22,535.33	21,088.57	19,779.28	18,592.03	17,513.34
419	30,137.82	27,930.67	25,949.09	24,163.61	22,560.13	21,109.41	19,796.79	18,606.75	17,525.71
420	30,187.51	27,972.40	25,984.13	24,196.04	22,584.84	21,130.18	19,814.23	18,621.40	17,538.02
421	30,237.12	28,014.03	26,019.08	24,225.39	22,609.48	21,150.86	19,831.60	18,635.99	17,550.27
422	30,286.64	28,055.59	26,053.95	24,254.64	22,634.03	21,171.47	19,849.89	18,650.51	17,562.45
423	30,336.08	28,097.05	26,088.73	24,283.82	22,658.50	21,192.00	19,866.12	18,664.96	17,574.58
424	30,385.44	28,138.43	26,123.42	24,312.90	22,682.89	21,212.45	19,883.27	18,679.35	17,586.65
425	30,434.71	28,179.72	26,158.02	24,341.91	22,707.20	21,232.83	19,900.35	18,693.67	17,598.65
426	30,483.90	28,220.93	26,192.54	24,370.82	22,731.43	21,253.13	19,917.36	18,707.92	17,610.60
427	30,533.02	28,262.05	26,226.97	24,399.66	22,755.58	21,273.35	19,934.30	18,722.11	17,622.49
428	30,582.05	28,303.08	26,261.32	24,428.41	22,779.65	21,293.50	19,951.18	18,736.24	17,634.32
429	30,630.99	28,344.03	26,295.58	24,457.08	22,803.63	21,313.58	19,967.98	18,750.30	17,646.09
430	30,679.86	28,384.90	26,329.76	24,485.66	22,827.54	21,333.57	19,984.71	18,764.30	17,657.80
431	30,728.65	28,425.68	26,363.85	24,514.16	22,851.37	21,353.50	20,001.37	18,778.23	17,669.45

432	30,777.35	28,466.37	26,397.85	24,542.58	22,875.12	21,373.35	20,017.96	18,792.10	17,681.05
433	30,825.97	28,506.98	26,431.77	24,570.91	22,898.79	21,393.12	20,034.48	18,805.91	17,692.58
434	30,874.52	28,547.51	26,465.61	24,599.16	22,922.38	21,412.83	20,050.94	18,819.65	17,704.06
435	30,922.98	28,587.95	26,499.36	24,627.33	22,945.90	21,432.45	20,067.32	18,833.33	17,715.43
436	30,971.36	28,628.31	26,533.03	24,655.42	22,969.33	21,452.01	20,083.64	18,846.95	17,726.85
437	31,019.66	28,668.58	26,566.61	24,683.43	22,992.69	21,471.49	20,099.89	18,860.50	17,738.16
438	31,067.88	28,708.77	26,600.11	24,711.35	23,015.97	21,490.90	20,116.07	18,874.00	17,749.41
439	31,116.02	28,748.88	26,633.53	24,739.20	23,039.17	21,510.24	20,132.19	18,887.43	17,760.61
440	31,164.08	28,788.90	26,666.86	24,766.96	23,062.30	21,529.50	20,148.24	18,900.80	17,771.75
441	31,212.06	28,828.84	26,700.11	24,794.64	23,085.35	21,543.69	20,164.22	18,914.11	17,782.84
442	31,259.96	28,868.70	26,733.28	24,822.25	23,108.32	21,567.81	20,180.14	18,927.36	17,793.87
443	31,307.78	28,908.47	26,766.36	24,849.77	23,131.22	21,586.86	20,195.99	18,940.55	17,804.84
444	31,355.52	28,948.16	26,799.36	24,877.21	23,154.04	21,605.84	20,211.77	18,953.68	17,815.76
445	31,403.18	28,987.77	26,832.28	24,904.57	23,176.78	21,624.75	20,227.49	18,966.75	17,826.63
446	31,450.76	29,027.30	26,865.12	24,931.85	23,199.45	21,643.59	20,243.14	18,979.76	17,837.44
447	31,498.27	29,066.74	26,897.88	24,959.05	23,222.04	21,662.35	20,258.73	18,992.71	17,848.20
448	31,545.69	29,106.11	26,930.55	24,986.18	23,244.55	21,681.05	20,274.26	19,005.60	17,858.91
449	31,593.04	29,145.39	26,963.14	25,013.22	23,267.00	21,699.67	20,289.72	19,018.43	17,869.56
450	31,640.30	29,184.58	26,995.65	25,040.19	23,289.37	21,718.23	20,305.11	19,031.20	17,880.16
451	31,687.49	29,223.70	27,028.08	25,067.09	23,311.67	21,736.72	20,320.44	19,043.92	17,890.71
452	31,734.60	29,262.74	27,060.43	25,093.89	23,333.89	21,755.14	20,335.71	19,056.58	17,901.20
453	31,781.63	29,301.69	27,092.70	25,120.62	23,356.03	21,773.49	20,350.91	19,069.18	17,911.64
454	31,828.58	29,340.57	27,124.89	25,147.27	23,378.11	21,791.77	20,366.06	19,081.72	17,922.03
455	31,875.46	29,379.36	27,156.99	25,173.85	23,400.11	21,809.98	20,381.13	19,094.20	17,932.37
456	31,922.25	29,418.07	27,189.02	25,200.35	23,422.03	21,828.12	20,396.15	19,106.63	17,942.66
457	31,968.97	29,456.70	27,220.97	25,226.77	23,443.89	21,846.20	20,411.10	19,119.00	17,952.89
458	32,015.61	29,495.26	27,252.84	25,253.11	23,465.67	21,864.21	20,426.00	19,131.32	17,963.08
459	32,062.17	29,533.73	27,284.63	25,279.38	23,487.39	21,882.15	20,440.83	19,143.58	17,973.21
460	32,108.66	29,572.12	27,316.33	25,305.57	23,509.01	21,900.03	20,455.59	19,155.78	17,983.29
461	32,155.07	29,610.43	27,347.97	25,331.69	23,530.58	21,917.83	20,470.30	19,167.93	17,993.33
462	32,201.40	29,648.66	27,379.52	25,357.73	23,552.07	21,935.58	20,484.95	19,180.02	18,003.31
463	32,247.65	29,686.81	27,410.99	25,383.69	23,573.49	21,953.25	20,499.53	19,192.05	18,013.24
464	32,293.83	29,724.89	27,442.38	25,409.53	23,594.84	21,970.86	20,514.06	19,204.04	18,023.13
465	32,339.93	29,762.88	27,473.70	25,435.40	23,616.12	21,988.40	20,528.52	19,215.96	18,032.96

ANNUITY TABLE. Continued

Month	2%	2½%	3%	3½%	4%	4½%	5%	5½%	6%
466	32,385.95	29,800.80	27,504.94	25,461.13	23,637.33	22,005.88	20,542.93	19,227.83	18,042.75
467	32,431.90	29,838.63	27,536.10	25,486.80	23,658.47	22,023.29	20,557.27	19,239.65	18,052.49
468	32,477.77	29,876.39	27,567.18	25,512.39	23,679.54	22,040.64	20,571.56	19,251.42	18,062.18
469	32,523.56	29,914.07	27,598.18	25,537.90	23,700.54	22,057.93	20,585.78	19,263.13	18,071.82
470	32,569.28	29,951.67	27,629.11	25,563.34	23,721.46	22,075.14	20,599.95	19,274.78	18,081.41
471	32,614.92	29,989.19	27,659.96	25,588.71	23,742.32	22,092.30	20,614.06	19,286.39	18,090.96
472	32,660.49	30,026.64	27,690.73	25,614.00	23,763.11	22,109.39	20,628.11	19,297.94	18,100.45
473	32,705.98	30,064.00	27,721.43	25,639.22	23,783.83	22,126.41	20,642.10	19,309.44	18,109.90
474	32,751.39	30,101.29	27,752.05	25,664.37	23,804.48	22,143.38	20,656.03	19,320.88	18,119.31
475	32,796.73	30,138.50	27,782.59	25,689.44	23,825.07	22,160.27	20,669.91	19,332.28	18,128.66
476	32,842.00	30,175.64	27,813.06	25,714.44	23,845.58	22,177.11	20,683.72	19,343.62	18,137.97
477	32,887.18	30,212.69	27,843.45	25,739.36	23,866.03	22,193.88	20,697.48	19,354.91	18,147.24
478	32,932.30	30,249.67	27,873.77	25,764.22	23,886.41	22,210.59	20,711.19	19,366.15	18,156.46
479	32,977.34	30,286.58	27,904.01	25,789.00	23,906.72	22,227.24	20,724.83	19,377.34	18,165.63
480	33,022.30	30,323.40	27,934.17	25,813.71	23,926.96	22,243.83	20,738.42	19,388.47	18,174.75

MORTALITY TABLES AS PROVIDED IN ACT NO. 457, APPROVED
AUGUST 31, 1953

1941 CSO Mortality Table—Commissioners Standard Ordinary

Age	Number Living	Deaths Each Year	Death Rate per 1000	Expectation of Life (Yrs.)	Age	Number Living	Deaths Each Year	Death Rate per 1000	Expectation of Life (Yrs.)
0	1,023,102	23,102	22.58	62.35	50	810,900	9,990	12.32	21.37
1	1,000,000	5,770	5.77	62.76	51	800,910	10,628	13.27	20.64
2	994,230	4,116	4.14	62.12	52	790,282	11,301	14.30	19.91
3	990,114	3,347	3.38	61.37	53	778,981	12,020	15.43	19.19
4	986,767	2,950	2.99	60.58	54	766,961	12,770	16.65	18.48
5	983,817	2,715	2.76	59.76	55	754,191	13,560	17.98	17.78
6	981,102	2,561	2.61	58.92	56	740,631	14,390	19.43	17.10
7	978,541	2,417	2.47	58.08	57	726,241	15,251	21.00	16.43
8	976,124	2,255	2.31	57.22	58	710,990	16,147	22.71	15.77
9	973,869	2,065	2.12	56.35	59	694,843	17,072	24.57	15.13
10	971,804	1,914	1.97	55.47	60	677,771	18,022	26.59	14.50
11	969,890	1,852	1.91	54.58	61	659,749	18,988	28.78	13.88
12	968,038	1,859	1.92	53.68	62	640,761	19,979	31.18	13.27
13	966,179	1,913	1.98	52.78	63	620,782	20,958	33.79	12.69
14	964,266	1,996	2.07	51.89	64	599,824	21,942	36.58	12.11
15	962,270	2,069	2.15	50.99	65	577,882	22,907	39.64	11.55
16	960,201	2,103	2.19	50.10	66	554,975	23,842	42.96	11.01
17	958,098	2,156	2.25	49.21	67	531,133	24,730	46.56	10.48
18	955,942	2,199	2.30	48.32	68	506,403	25,553	50.46	9.97
19	953,743	2,260	2.37	47.43	69	480,850	26,302	54.70	9.47
20	951,483	2,312	2.43	46.54	70	454,548	26,955	59.30	8.99
21	949,171	2,382	2.51	45.66	71	427,593	27,481	64.27	8.52
22	946,789	2,452	2.59	44.77	72	400,112	27,872	69.66	8.08
23	944,337	2,531	2.68	43.88	73	372,240	28,104	75.50	7.64
24	941,806	2,609	2.77	43.00	74	344,136	28,154	81.81	7.23
25	939,197	2,705	2.88	42.12	75	315,982	28,009	88.64	6.82
26	936,492	2,800	2.99	41.24	76	287,973	27,651	96.02	6.44
27	933,692	2,904	3.11	40.36	77	260,322	27,071	103.99	6.07
28	930,788	3,025	3.25	39.49	78	233,251	26,262	112.59	5.72
29	927,763	3,154	3.40	38.61	79	206,989	25,224	121.86	5.38
30	924,609	3,292	3.56	37.74	80	181,765	23,966	131.85	5.06
31	921,317	3,437	3.73	36.88	81	157,799	22,502	142.60	4.75
32	917,880	3,598	3.92	36.01	82	135,297	20,857	154.16	4.46
33	914,282	3,767	4.12	35.15	83	114,440	19,062	166.57	4.18
34	910,515	3,961	4.35	34.29	84	95,378	17,157	179.88	3.91
35	906,554	4,161	4.59	33.44	85	78,221	15,185	194.13	3.66
36	902,393	4,386	4.86	32.59	86	63,036	13,198	209.37	3.42
37	898,007	4,625	5.15	31.75	87	49,838	11,245	225.63	3.19
38	893,382	4,878	5.46	30.91	88	38,593	9,378	243.00	2.98
39	888,504	5,162	5.81	30.08	89	29,215	7,638	261.44	2.77
40	883,342	5,459	6.18	29.25	90	21,577	6,063	280.99	2.58
41	877,883	5,785	6.59	28.43	91	15,514	4,681	301.73	2.39
42	872,098	6,131	7.03	27.62	92	10,833	3,506	323.64	2.21
43	865,967	6,503	7.51	26.81	93	7,327	2,540	346.66	2.03
44	859,464	6,910	8.04	26.01	94	4,787	1,776	371.00	1.84
45	852,554	7,340	8.61	25.21	95	3,011	1,193	396.21	1.63
46	845,214	7,801	9.23	24.43	96	1,818	813	447.19	1.37
47	837,413	8,299	9.91	23.65	97	1,005	551	548.26	1.08
48	829,114	8,822	10.64	22.88	98	454	329	724.67	.78
49	820,292	9,392	11.45	22.12	99	125	125	1000.00	.50

MORTALITY TABLES AS PROVIDED IN ACT NO. 457, APPROVED
AUGUST 31, 1953

American Experience Table of Mortality

Age	Number Living	Deaths Each Year	Death Rate per 1000	Expectation of Life (Yrs.)	Age	Number Living	Deaths Each Year	Death Rate per 1000	Expectation of Life (Yrs.)
10	100,000	749	7.49	48.72	55	64,563	1,199	18.57	17.40
11	99,251	746	7.52	48.08	56	63,364	1,260	19.89	16.72
12	98,505	743	7.54	47.45	57	62,104	1,325	21.34	16.05
13	97,762	740	7.57	46.80	58	60,779	1,394	22.94	15.39
14	97,022	737	7.60	46.16	59	59,385	1,468	24.72	14.74
15	96,285	735	7.63	45.50	60	57,917	1,546	26.69	14.10
16	95,550	732	7.66	44.85	61	56,371	1,628	28.88	13.47
17	94,818	729	7.69	44.19	62	54,743	1,713	31.29	12.86
18	94,089	727	7.73	43.53	63	53,030	1,800	33.94	12.26
19	93,362	725	7.77	42.87	64	51,230	1,889	36.87	11.67
20	92,637	723	7.81	42.20	65	49,341	1,980	40.13	11.10
21	91,914	722	7.86	41.53	66	47,361	2,070	43.71	10.54
22	91,192	721	7.91	40.85	67	45,291	2,158	47.65	10.00
23	90,471	720	7.96	40.17	68	43,133	2,243	52.00	9.47
24	89,751	719	8.01	39.49	69	40,890	2,321	56.76	8.97
25	89,032	718	8.07	38.81	70	38,569	2,391	61.99	8.48
26	88,314	718	8.13	38.12	71	36,178	2,448	67.67	8.00
27	87,596	718	8.20	37.43	72	33,730	2,487	73.73	7.55
28	86,878	718	8.26	36.73	73	31,243	2,505	80.18	7.11
29	86,160	719	8.35	36.03	74	28,738	2,501	87.03	6.68
30	85,441	720	8.43	35.33	75	26,237	2,476	94.37	6.27
31	84,721	721	8.51	34.63	76	23,761	2,431	102.31	5.88
32	84,000	723	8.61	33.92	77	21,330	2,369	111.06	5.49
33	83,277	726	8.72	33.21	78	18,961	2,291	120.83	5.11
34	82,551	729	8.83	32.50	79	16,670	2,196	131.73	4.74
35	81,822	732	8.95	31.78	80	14,474	2,091	144.47	4.39
36	81,090	737	9.09	31.07	81	12,383	1,964	158.61	4.05
37	80,353	742	9.23	30.35	82	10,419	1,816	174.30	3.71
38	79,611	749	9.41	29.62	83	8,603	1,648	191.56	3.39
39	78,862	756	9.59	28.90	84	6,955	1,470	211.36	3.08
40	78,106	765	9.79	28.18	85	5,485	1,292	235.55	2.77
41	77,341	774	10.01	27.45	86	4,193	1,114	265.68	2.47
42	76,567	785	10.25	26.72	87	3,079	933	303.02	2.18
43	75,782	797	10.52	26.00	88	2,146	744	346.69	1.91
44	74,985	812	10.83	25.27	89	1,402	555	395.86	1.66
45	74,173	828	11.16	24.54	90	847	385	454.55	1.42
46	73,345	848	11.56	23.81	91	462	246	532.47	1.19
47	72,497	870	12.00	23.08	92	216	137	634.26	.98
48	71,627	896	12.51	22.36	93	79	58	734.18	.80
49	70,731	927	13.11	21.63	94	21	18	857.14	.64
50	69,804	962	13.78	20.91	95	3	3	1000.00	.50
51	68,842	1,001	14.54	20.20					
52	67,841	1,044	15.39	19.49					
53	66,797	1,091	16.33	18.79					
54	65,706	1,143	17.40	18.09					

INDEX

Explanatory note—General Acts with local application on a population basis, which apply to only one or two counties or municipalities according to the 1950 census, are indexed under the names of the counties or municipalities as well as under the population classification.

Page

ACTIONS

See also: CIVIL REMEDIES AND PROCEDURE;
JUDICIAL PROCEDURE

Action against employer involving dispute over payment of wages, joinder of all employees as plaintiffs in, authorized.....	362
Depositions of witnesses or parties upon oral examination for discovery of or use as evidence, taking of provided for.....	901
Lien in favor of hospitals upon cause of action accruing to injured person to whom care and treatment is given.....	1098
Suits or actions in state courts, certain persons in service of federal government deemed to be residents of Alabama for purpose of maintaining	1253
Venue in actions on policies or certificates of insurance.....	886

ACTS AMENDED, GENERAL ACTS

1939, Act No. 590, p. 958, General Acts of Alabama, 1939, levying an excise tax on certain motor fuels.....	64
1939, Act No. 614, p. 981, General Acts of Alabama, 1939, limiting the amount of rentals which may be charged by housing authorities	1215
1939, Act No. 669, p. 1064, General Acts of Alabama, 1939, known as the "Alabama motor carrier act of 1939"	1204, 140
1945, Act No. 96, p. 92, General Acts of Alabama, 1945, regulating schools of nursing and the examination and registration of nurses	595
1945, Act No. 169, p. 285, General Acts of Alabama, 1945, levying the forest products severance tax.....	921, 1177
1945, Act No. 292, p. 482, General Acts of Alabama, 1945, examination, licensing and regulation of licensed practical nurses..	594
1945, Act No. 515, p. 734, General Acts of Alabama, 1945, establishing the employees' retirement system.....	637, 883
1947, Act No. 228, p. 92, General Acts of Alabama, 1947, providing for the appointment and compensation of supernumerary judges	627
1947, Act No. 689, p. 524, General Acts of Alabama, 1947, creating the second injury trust fund in connection with workmen's compensation	866
1949, Act No. 46, p. 68, Acts of Alabama, 1949, authorizing the incorporation in any county of a public corporation for hospital purposes	437, 87
1949, Act No. 323, p. 469, Acts of Alabama, 1949, providing for a refund of the tax on gasoline used to propel farm tractors..	145
1949, Act No. 529, p. 827, Acts of Alabama, 1949, creating a plumbers examining board in counties 140,000 or more population	911
1950, Act No. 48, p. 102, Acts of Alabama, 1951, providing old-age and survivors insurance for certain officers and employees of the state and local governments.....	392

	Page
1951, Act No. 4, p. 167, Acts of Alabama, 1951, fixing the compensation of certain state officers.....	896
1951, Act No. 187, p. 438, Acts of Alabama, 1951, creating a firemen's and policemen's pension and relief fund for cities 45,000 to 54,000 population.....	525
1951, Act No. 311, p. 606, Acts of Alabama, 1951, providing for the compensation of and assistants to the sheriff in counties 96,000 to 140,000 population.....	363, 41
1951, Act No. 662, p. 1132, Acts of Alabama, 1951, levying a beer tax in counties 400,000 or more population.....	1279
1951, Act No. 691, p. 1192, Acts of Alabama, 1951, fixing the compensation of court reporters.....	977
1951, Act No. 813, p. 1426, Acts of Alabama, 1951, providing for retirement of employees of cities 75,000 to 125,000 population.....	42
1951, Act No. 929, p. 1579, Acts of Alabama, 1951, creating an employees retirement and relief system in cities 250,000 or more population.....	478, 979
1953, Act No. 279, p. 344, Acts of Alabama, 1953, regulating the payment of witness certificates in counties 73,000 to 93,000 population.....	952
1953, Act No. 585, p. 828, Acts of Alabama, 1953, creating the department of public safety.....	263
1953, Act No. 587, p. 832, Acts of Alabama, 1953, dividing the state into judicial circuits.....	332
1953, Act No. 689, p. 941, Acts of Alabama, 1953, authorizing the state highway department to construct and maintain roads on the agricultural center.....	1203
1953, Act No. 784, p. 1069, Acts of Alabama, 1953, regulating and licensing use of commercial fishing gear.....	59
1955, Act No. 46, approved April 6, 1955, regulating the sale of eggs.....	1179
1955, Act No. 52, approved April 8, 1955, providing for the appointment and compensation of the court reporter of judicial circuits composed of one county and having not less than four nor more than nine judges.....	514
1955, Act No. 57, approved April 8, 1955, providing for the impaneling of juries and alternate jurors in circuit courts in counties 400,000 or more population.....	313
ACTS AMENDED, LOCAL ACTS	
Autauga County, Act No. 445, p. 303, Local Acts of Alabama, 1947, establishing the court of common pleas.....	616
Blount County, Act No. 345, p. 237, Local Acts of Alabama, 1923, providing for the election, duties and compensation of the superintendent of education.....	512
Butler County, Act No. 219, p. 311, Acts of Alabama, 1949, providing for the election, compensation and duties of the members of the county board of education.....	385
Cherokee County, Act No. 162, p. 78, Local Acts of Alabama, 1943, placing the probate judge, tax assessor, tax collector, circuit clerk, sheriff, register and deputy solicitor on a salary and providing office space, supplies and clerical assistance.....	364
Clarke County, Act No. 34, p. 13, Local Acts of Alabama, 1932, providing for the election, term, duties and compensation of the superintendent of education.....	959
Cullman County, Act No. 18, approved February 17, 1955, creating the office of superintendent of county schools and the commission on education.....	224
Dallas County, Act No. 436, p. 554, Local Acts of Alabama, 1907, creating the Selma water works commission.....	225

	Page
Dallas County, Act No. 208, p. 110, Local Acts of Alabama, 1943, authorizing the expenditure of county funds for purposes not otherwise provided by law.....	396
DeKalb County, Act No. 715, p. 1252, Acts of Alabama, 1951, providing for the appointment and compensation of an additional deputy to the sheriff.....	341
Houston County, Act No. 11, p. 8, Local Acts of Alabama, 1945, regulating the office of the sheriff.....	1152, 1157
Jackson County, Act No. 65, p. 126, Acts of Alabama, 1951, creating a board of revenue.....	1040
Lauderdale County, Act No. 39, approved February 18, 1955, abolishing the board of revenue and re-establishing the court of county commissioners.....	229
Lawrence County, Act No. 147, p. 86, Local Acts of Alabama, 1947, providing for the appointment and compensation of a deputy clerk to the circuit clerk.....	1041
Lee County, Act No. 301, p. 596, Acts of Alabama, 1951, authorizing the circuit clerk to employ clerical assistance.....	287
Limestone County, Act No. 95, p. 67, Local Acts of Alabama, 1947, placing the tax assessor on a salary.....	306
Limestone County, Act No. 120, p. 78, Local Acts of Alabama, 1947, placing the tax collector on a salary.....	307
Limestone County, Act No. 200, p. 119, Local Acts of Alabama, 1947, consolidating certain county offices under the circuit clerk and providing for his election, term and compensation.....	314
Limestone County, Act No. 201, p. 120, Local Acts of Alabama, 1947, placing the probate judge on a salary.....	306
Limestone County, Act No. 355, p. 423, Acts of Alabama, 1953, fixing the compensation of the sheriff and his deputies.....	305
Macon County, Act No. 334, p. 225, Local Acts of Alabama, 1939, creating the board of revenue.....	145
Marengo County, Act No. 311, p. 188, Local Acts of Alabama, 1923, creating a board of revenue and abolishing the court of county commissioners.....	45
Marengo County, Act No. 183, p. 106, Local Acts of Alabama, 1935, providing for the qualifications and election of members of the board of education.....	458
Marion County, Act No. 82, p. 18, Local Acts of Alabama, 1935, providing for the election, duties and compensation of the superintendent of education.....	968
Marion County, Act No. 307, p. 195, Local Acts of Alabama, 1939, authorizing the sheriff to appoint an additional deputy.....	969
Marion County, Act No. 198, p. 263, Acts of Alabama, 1953, creating the office of county engineer.....	967
Marion County, Act No. 58, approved April 13, 1955, levying a privilege license tax on electric and hydro-electric public utilities.....	475
Marshall County, Act No. 51, p. 61, Acts of Alabama, 1953, establishing the county court.....	786
Mobile County, Act No. 470, p. 298, Local Acts of Alabama, 1939, creating the county-wide civil service system.....	483
Mobile County, Act No. 594, p. 355, Local Acts of Alabama, 1939, placing sheriff on salary and providing for appointment and compensation of deputies and other assistants.....	137
Mobile County, Act No. 637, p. 1092, Acts of Alabama, 1951, providing for the appointment and compensation of a chief clerk in the office of the tax assessor.....	910

	Page
Mobile County, Act No. 286, p. 352, Acts of Alabama, 1953, providing for the appointment, duties and compensation of the clerk of the inferior criminal court.....	384
Morgan County, Act No. 361, p. 248, Local Acts of Alabama, 1939, providing for the compensation, clerical assistance, and office supplies and equipment for the tax assessor.....	1167
Morgan County, Act No. 464, p. 278, Local Acts of Alabama, 1939, providing for the compensation, clerical assistance, and office supplies and equipment for the tax collector.....	1168
Morgan County, Act No. 70, p. 34, Local Acts of Alabama, 1943, providing for the compensation, clerical assistance and office supplies and equipment for the judge of probate.....	1170
Morgan County, Act No. 64, p. 45, Local Acts of Alabama, 1947, providing for the appointment and compensation of a deputy clerk for the circuit court and county court.....	1174
Morgan County, Act No. 263, p. 51, Local Acts of Alabama, 1947, providing for the appointment and compensation of a deputy register for the circuit court.....	1171
Morgan County, Act No. 436, p. 789, Acts of Alabama, 1951, fixing the compensation of the superintendent of education.....	1171
Morgan County, Act No. 437, p. 789, Acts of Alabama, 1951, fixing the compensation of the chairman and members of the board of revenue and control.....	1173
Morgan County, Act No. 424, p. 525, Acts of Alabama, 1953, authorizing the board of revenue and control to provide the sheriff with deputies and jailers.....	1174
Pickens County, Act No. 141, p. 167, Acts of Alabama, 1949, providing for the election of members of the board of education.....	308
Russell County, Act No. 16, p. 9, Local Acts of Alabama, 1943, providing for the appointment and compensation of deputies to the tax assessor and tax collector.....	1081
Russell County, Act No. 74, p. 40, Local Acts of Alabama, 1943, providing for the appointment and compensation of the chief clerk to the probate judge.....	1080
Russell County, Act No. 75, p. 41, Local Acts of Alabama, 1943, providing for the appointment and compensation of a deputy circuit clerk.....	1080
Russell County, Act No. 78, p. 43, Local Acts of Alabama, 1943, providing for the appointment and compensation of a special or general deputy sheriff.....	375
Russell County, Act No. 14, p. 14, Local Acts of Alabama, 1947, providing for the appointment and compensation of an additional deputy sheriff.....	375
Russell County, Act No. 47, p. 59, Acts of Alabama, 1953, providing for the appointment and compensation of an additional deputy sheriff.....	374
St. Clair County, Act No. 109, p. 59, Local Acts of Alabama, 1936-37, providing for the election and compensation of the superintendent of education.....	286
Talladega County, Act No. 461, p. 323, Local Acts of Alabama, 1947, placing the register of the circuit court on a salary and providing office space and clerical assistance.....	312
Talladega County, Act No. 86, p. 130, Acts of Alabama, 1953, which amended the act placing the sheriff on a salary.....	553
Tuscaloosa County, Act No. 129, p. 62, Local Acts of Alabama, 1935, fixing the compensation of the probate judge.....	131
Tuscaloosa County, Act No. 416, p. 243, Local Acts of Alabama, 1935, authorizing the board of revenue to levy a gasoline tax.....	615

Wilcox County, Act No. 436, p. 261, Local Acts of Alabama, 1939, providing for the duties, power, authority and compensation of members of the court of county commissioners.....	484
ACTS OF ALABAMA	
Joint resolution relating to the printing and binding of the acts and resolutions of the first three 1955 special sessions of the legislature	110
Joint resolution relative to the printing and binding of the acts and journals of the first three 1955 special sessions with the acts and journals of the 1955 regular session.....	1182, 207
ACTS REPEALED, GENERAL ACTS	
1951, Act No. 189, p. 450, Acts of Alabama, 1951, creating the Alabama state docks board	345
1951, Act No. 694, p. 1195, Acts of Alabama, 1951, known as the "relatives responsibility act".....	164
1951, Act No. 636, p. 1091, Acts of Alabama, 1951, providing for the education of handicapped children.....	591
1951, Act No. 990, p. 1666, Acts of Alabama, 1951, amending the act providing old-age and survivors insurance for certain officers and employees of the state and local governments.....	392
1953, Act No. 42, p. 56, General Acts of Alabama, 1953, providing for a perpetual inventory of property subject to taxation in counties 75,000 to 90,000 population.....	53
1953, Act No. 652, p. 912, Acts of Alabama, 1953, providing for the education of handicapped children.....	591
1953, Act No. 813, p. 1096, Acts of Alabama, 1953, providing for the transfer of certain funds to the state building commission.....	780
1953, Act No. 884, p. 1189, Acts of Alabama, 1953, authorizing cities 6,000 or more population to finance and construct certain public improvements outside the corporate limits and within the police jurisdiction of such cities.....	1112
ACTS REPEALED, LOCAL ACTS	
Blount County, Act No. 447, p. 799, Acts of Alabama, 1951, regulating the nomination and election of members of the board of education	535
Chambers County, Act No. 30, p. 24, Local Acts of Alabama, 1947, authorizing the circuit clerk to appoint a clerk.....	1150
Chilton County, Act No. 424, p. 257, Local Acts of Alabama, 1939, creating the office of county solicitor.....	1142
Chilton County, Act No. 209, p. 299, Acts of Alabama, 1949, amending the act creating the office of county solicitor.....	1142
Colbert County, Act No. 227, p. 293, Acts of Alabama, 1953, creating the office of commissioner of public schools.....	440, 185
Colbert County, Act No. 72, approved April 13, 1955, abolishing the office of commissioner of public schools.....	440
Lauderdale County, Act No. 205, p. 272, Acts of Alabama, 1953, creating the board of revenue.....	61
Lawrence County, Act No. 18, p. 220, Acts of Alabama, 1951, creating a board of revenue.....	517
Marshall County, Act No. 89, p. 49, Local Acts of Alabama, Extra Session, 1936, creating the court of county commissioners.....	612
Marshall County, Act No. 146, p. 85, Local Acts of Alabama, 1947, providing for the duties and compensation of members of the court of county commissioners.....	612
Marshall County, Act No. 51, p. 61, Acts of Alabama, 1953, establishing the county court.....	786
Marshall County, Act No. 408, p. 508, Acts of Alabama, 1953, transferring criminal jurisdiction from justices of the peace to the county court.....	786

	Page
Mobile County, Act No. 241, p. 139, Local Acts of Alabama, 1935, regulating the payment of the salary of the tax collector	476
Mobile County, Act No. 242, p. 141, Local Acts of Alabama, 1935, regulating the payment of the salary of the tax assessor.....	476
Pike County, Act No. 343, p. 138, Local Acts of Alabama, 1919, regulating the fine and forfeiture fund.....	382
Walker County, Act No. 102, p. 145, Acts of Alabama, 1953, altering the boundary lines of the town of Parrish.....	68
Walker County, Act No. 327, p. 382, Acts of Alabama, 1953, altering the boundary lines of the town of Parrish.....	68
ADJUTANT GENERAL	
Compensation	896
AD VALOREM TAX	
See also: BOARD OF EQUALIZATION; TAXATION; REAL PROPERTY	
Appropriation, advertising lands for tax sale.....	818
Appropriation, court costs in connection with assessment appeals.....	819
Appropriation, mailing of tax notices.....	820
Butler County, for school purposes, constitutional amendment.....	551
Constitutional amendment, additional levy for public school purposes	753
Lee County, cities of Auburn and Opelika, for school purposes, constitutional amendment	544
Lee County, for school purposes, constitutional amendment.....	550
Limestone County, additional, constitutional amendment.....	544
Montgomery County, for school purposes, constitutional amendment	256
Russell County, for school purposes, constitutional amendment.....	401
School tax, special, certain elections to levy, validated.....	50
Sewers, special tax for construction, acquisition of, counties levying may issue general obligation bonds or certificates of indebtedness	610
Winston County, for school purposes and for public hospital and health services, constitutional amendment	745
AERONAUTICS, STATE DEPARTMENT OF	
Appropriation	821
AGRICULTURAL AND INDUSTRIAL EXHIBIT COMMISSION	
Appropriation	818
AGRICULTURAL AND MECHANICAL INSTITUTE FOR NEGROES	
Appropriation	775
AGRICULTURAL CENTER	
Highway department authorized to construct roads on, act amended to include walkways and vehicular parking areas.....	1203
AGRICULTURAL CENTER BOARD	
Appropriation	823, 824
Appropriation, operation of the coliseum.....	318
Appropriation, purchase of certain equipment.....	1196
AGRICULTURAL FUND	
Transfer of funds to.....	815

AGRICULTURE

Agricultural products, Congress memorialized to enact legislation guaranteeing price supports for.....	214
Bang's disease, appropriation for control of.....	820
Eggs, sale of, act regulating amended.....	1179
Eggs, sale of, regulated.....	152
Farmers whose crops were ruined by the cold weather, joint resolution requesting federal authorities to give aid to.....	160
Hogs, appropriation for control and prevention of diseases of.....	820
Milk producers, processors, handlers, and distributors, regulated, permits required.....	176
Milk, testing, inspecting, grading regulated.....	1239
Milk transported into Alabama from other states, prescribing conditions and requirements for.....	1239
Refund of tax on gasoline used in farm tractors, act amended.....	145
White-fringed beetle, appropriation for control and eradication of	824, 1223

AGRICULTURE AND INDUSTRIES, STATE
DEPARTMENT OF

Appropriation	815, 822
Appropriation for control and eradication of the white-fringed beetle	1223, 824
Appropriation, shipping point inspection	846
Eggs, sale of, act regulating amended.....	1179
Milk, regulating testing, inspecting, grading.....	1239
Milk, transported into Alabama from other states, prescribing conditions and requirements for.....	1239
Soft drinks containing artificial sweetening, manufacture of, authorized	537

AIR-CONDITIONING

Plants and equipment, privilege license tax on persons selling or installing, code section amended	184
--	-----

AIR NATIONAL GUARD

Appropriation, constructing, repairing and equipping arm-ories	237, 1096
Motor vehicle license plates, distinctive, for members of.....	707

AIRCRAFT CONTROL AND WARNING STATIONS

Cities authorized to acquire site on which to construct.....	288
--	-----

AIRPORTS

Counties may issue warrants, certificates of indebtedness, for purpose of acquiring	881
---	-----

ALABAMA ASSOCIATION OF SCHOOL BOARD MEMBERS

Recognized as an organization and representative agency of the members of the various school boards.....	718
--	-----

ALABAMA BOYS INDUSTRIAL SCHOOL

Appropriation	776
---------------------	-----

ALABAMA COLLEGE

Appropriation	771
---------------------	-----

Appropriation, interest on endowments.....	Page 815
ALABAMA DENTAL ASSOCIATION	
Appropriation	831
ALABAMA-COOSA RIVERS	
Joint resolution requesting federal government to proceed with improvements along	139
ALABAMA EDUCATIONAL TELEVISION COMMISSION	
Appropriation	777
ALABAMA INDUSTRIAL SCHOOL FOR NEGROES	
Appropriation	776
ALABAMA INSANE HOSPITALS	
Appropriation	816
ALABAMA INSTITUTE FOR DEAF AND BLIND	
Appropriation	776
Authorized to develop, maintain, and supervise work shops and home industries for the blind.....	1197
Products purported to be blind made, sale or distribution of, regulated	1202
Surveys of concession stand opportunities for blind persons in certain public buildings	1200
ALABAMA MOTOR CARRIER ACT OF 1939	
Amended	1204, 140
ALABAMA POLYTECHNIC INSTITUTE	
Appropriation	772
Appropriation, interest on endowments.....	816
Football game between Alabama and Auburn, joint resolution urging televising of	1094
Teachers, retired, employment of, provided for.....	1097
ALABAMA PUBLIC SERVICE COMMISSION	
Appropriation	838
Three-judge special court to determine applications for injunc- tions restraining enforcement, execution, of orders of.....	1185
ALABAMA STATE COLLEGE FOR NEGROES	
Appropriation	775
ALABAMA STONEWALL JACKSON MEMORIAL FUND	
Established	1176
ALABAMA TURNPIKE AUTHORITY	
Incorporation of, authorized.....	412
ALABAMA VOCATIONAL SCHOOL FOR GIRLS	
Appropriation	628

ALCOHOLIC BEVERAGE CONTROL BOARD

Alcoholic beverage revenue stamps, crowns, or lids, penalty for unlawful possession of.....	336
Appropriation	824
Assistant administrator of, compensation.....	896
Investigators for, joint resolution directing the improvement of retirement benefits for.....	539
Trucks, trailers and similar vehicles, authorized to lease for the transportation of alcoholic beverages.....	478

ALCOHOLIC BEVERAGES

Appropriation, enforcement of laws relating to.....	834, 826
Beer, privilege license tax levied on sellers of.....	177
Colbert County, sale of, regulated.....	224
Counties 94,000 to 134,000 population, sale of, prohibited in certain places	592
Counties 400,000 or more population, act levying beer tax amended	1279
Officers who may issue search warrants under law regulating sale of, code section amended.....	151
Revenue stamps, crowns, or lids to be attached to, penalty for unlawful possession of.....	336
Spirituous and vinous liquors, additional tax levied on.....	199
Trucks, trailers and similar vehicles, alcoholic beverage control board authorized to lease for transportation of.....	478

ALDERMEN

Election and duties, code section amended	930
---	-----

ALEXANDER CITY, CITY OF

Boundaries altered	142
--------------------------	-----

ALLEN, JAMES E.

Relief of	93
-----------------	----

ANDALUSIA, CITY OF

Boundaries altered	231
--------------------------	-----

ANIMALS

See: LIVESTOCK; name of specific animal

ANNUITY TABLES

Compilation of	1298
----------------------	------

APPEALS

Appropriation, automatic appeal expense.....	819
Habeas corpus cases, code section amended.....	294
Recorder's court, code section amended.....	900

APPEALS, COURT OF

See: COURT OF APPEALS

APPEARANCE BONDS

Counties 125,000 to 400,000 population, non-residents arrested for certain traffic violations may post sum with sheriff in lieu of	306
--	-----

APPROPRIATIONS

Adjustment, state board of.....	811
Aeronautics department	821
Agricultural and industrial exhibit commission.....	818
Agricultural and mechanical institute for negroes.....	775
Agricultural center board.....	823, 824
Agricultural center board, additional, operation of the coliseum.....	318
Agricultural center board, purchase of certain equipment.....	1196
Agriculture and industries, department of.....	815, 822
Alabama Boys Industrial School.....	776
Alabama College	771
Alabama educational television commission.....	777
Alabama Industrial School for Negroes.....	776
Alabama insane hospitals.....	816
Alabama institute for Deaf and Blind.....	776
Alabama Polytechnic Institute	772
Alabama State College for Negroes.....	775
Alabama Stonewall Jackson Memorial Fund.....	1176
Alabama Vocational School for Girls.....	628
Alcoholic beverage control board.....	824
Alcoholic beverages, enforcement of laws relating to.....	826, 834
Architects, state board of registration for.....	840
Archives and history, department of.....	802
Armory commission, constructing, repairing and equipping armories.....	237, 1096
Attorney general	133, 801
Attorneys fees in indigent capital cases.....	819
Auditor, state	801
Automatic appeal expense.....	819
Bangs disease control	820
Bar association, state	827
Blue and Gray Football Game, advertisement of Alabama through sponsorship of	762
Building commission	803
Cahaba historical commission.....	650, 819
Circuit courts	799
Circuit judges	799
Circuit solicitors	799
Civil defense, department of.....	267, 147, 803
Civilian rehabilitation	777
Clerk of house of representatives	798
Code pocket supplement, purchase of.....	820
Commerce, department of	803
Commission on education with respect to alcoholism.....	826
Confederate pensions	836
Conservation, department of	813, 828
Contractors, general, state licensing board for.....	834
Corrections, board of	816, 831
Council of State Governments.....	917
Counties, reimbursement for expenses incurred in holding and conducting certain elections.....	406
Court of appeals	799
Court costs taxed against State of Alabama, not otherwise provided for	819
Court reporters	800
Crippled children	777
Debt service, education	778
Debt service, general	818
Dental association	831

	Page
Departmental emergency fund	819
Docks, board, state	831
Education appropriation bill	769
Education, department of	770
Education, interest on endowments	815
Education, regional	778
Elementary teachers' scholarship fund	777
Employees' special pension fund	819
Engineers and land surveyors, professional, state board of registration for	840
Examiners of public accounts, department of	803
Finance, department of	265, 585, 804
Florence State Teachers College	775
Fort Morgan historical society	815
General appropriation bill	797
Geological survey	814
Gorgas memorial board	819
Governor	133, 798
Governor, proclamation expense	819
Hall of fame board	820
Handicapped persons	777
Health department	805, 832
Highway department	832
Illiteracy fund	777
Industrial development board	806
Industrial relations, department of	516, 807, 832
Insurance, department of	807
Insurance fund, state	833
Jacksonville State Teachers College	775
Labor, department of	807
Law enforcement	826, 834
Legislative reference service	808
Legislature	205, 395, 798
LaGrange historical commission	820
Liquefied petroleum gas commission	834
Livingston State Teachers College	776
Military department	266, 559, 808
Milk control board	835
Minimum program fund	771
Nurses examiners and registration, board of	835
Oil and gas fund	836
Pardons and paroles, board of	818
Partlow State School	817
Pension commission	837
Personnel department	809, 837
Physicians' association	838
Planning board	810
Prisoners, arrest of absconding felons	817
Prisoners, feeding of	817
Prisoners, removal of	817
Privilege licenses, state and county, printing of	820
Public documents, distribution of	819
Public education	769
Public library service division	803
Public safety, department of	134, 809
Public school fund	838
Public service commission	838
Public welfare, department of	810, 838
Publicity and information, bureau of	810
Real estate commission	839

	Page
Registration of voters	820
Revenue, department of	811, 841
Revolving fund, state board of education	770
Richmond Pearson Hobson memorial board	820
Secretary of the senate	798
Secretary of state	134, 801
Securities commission	811
Shipping point inspection	846
Social security	135, 811
Soil conservation committee	815
Southern governor's conference, expenses of	357
Southern Industrial Institute	629
Southern regional council on mental health training and re- search	821
Southern University, to restore interior of building which form- erly housed	651
Spanish American war veterans encampment	820
State Training School for Girls	777
Student aid in graduate and professional fields	778
Supernumerary judges	800
Supernumerary justices	801
Supreme court	798
Swine, prevention and control of diseases of	820
Tax assessment appeals, court costs	819
Tax notices, mailing of	820
Tax sales, advertising of	818
Teacher training equalization fund	778
Teachers' retirement system	775
Teachers' special pension fund	775
Temperance education	826
Textbooks, free	771
Toxicologist, state	812
Treasurer, state	802
Troy State Teachers College	776
Tuskegee Institute, for teaching certain courses under contract	629
University of Alabama	771
Veterans' affairs, department of	812
Veterinary medical examiners, state board of	846
Vocational education	778
Vocational trade schools	776
Walker County Junior College	710
White-fringed beetle, control and eradication of	1223
White-fringed beetle control fund	824
White house of the Confederacy	820
 ARCHITECTS, STATE BOARD OF REGISTRATION FOR	
Appropriation	840
 ARCHIVES AND HISTORY, DEPARTMENT OF	
Appropriation	802
 ARMORY COMMISSION	
Appropriation, constructing, repairing and equipping arm- ories	237, 1096
 ARNETTE, DELORES	
Joint resolution congratulating on being named "All-American Homemaker of Tomorrow"	405

ASSESSMENT

See: AD VALOREM TAX; BOARD OF EQUALIZATION;
TAXATION; REAL PROPERTY

ATHENS, CITY OF

Boundaries altered	965, 966, 969, 970
Governing body, election	952

ATTORNEY GENERAL

Appropriation	133, 801
Joint resolution extending privileges of floor to attorney general and chief and assistant chief of legislative division.....	37
Member of public corporation created for purpose of construct- ing state office buildings.....	500

ATTORNEYS

Appropriations, attorneys fees in indigent capital cases.....	819
---	-----

AUBURN, CITY OF

Ad valorem tax for school purposes, constitutional amendment.....	544
---	-----

AUDITOR, STATE

Appropriation	801
Compensation	924

AUTAUGA COUNTY

Court of common pleas, qualifications of judge, act amended.....	616
--	-----

BAGLEY, HOWARD L.

Joint resolution mourning death of.....	219
---	-----

BAIL

Counties 63,750 to 72,750 population, defining powers and au- thority of courts in proceedings on forfeitures of.....	531
--	-----

BAILIFFS

Counties 200,000 to 400,000 population, appointment, compensa- tion	513
Judicial circuits composed of one county and having two judges, appointment, tenure and compensation.....	96

BALDWIN COUNTY

Savings and loan association, branch office in Fairhope, author- ized	385
Witness fees, payment of, regulated.....	460

BANG'S DISEASE

Appropriation for control of.....	820
-----------------------------------	-----

BANKING DEPARTMENT, STATE

Created	497
---------------	-----

BANKS AND BANKING

Baldwin County, savings and loan associations, branch office in Fairhope, authorized	385
---	-----

	Page
Branch banks, prohibited in certain counties.....	314
Coloert County, branch banks authorized.....	135
Colbert County, banks located in a municipality within, authorized to establish branch banks.....	136
Counties 65,000 to 75,000 population, branch banks authorized.....	308
Counties 94,000 to 135,000 population, branch banks authorized.....	130
Counties 225,000 to 400,000 population, branch banks authorized.....	907
Financial institutions, net operating losses to apply as a deduction against prior and future income.....	1232
Lawrence County, branch banks authorized.....	381
Loans to any one person, firm, or corporation, code section limiting amount of, amended.....	292
State banking department, created	497
BAR ASSOCIATION, STATE	
Appropriation	827
BARBERS	
Counties 125,000 to 225,000 population, regulated and licensed.....	654
Iscombria County, regulated and licensed.....	298
BARBOUR COUNTY	
Eufaula, city of, boundaries altered.....	220
BEARDEN, CHARLES	
Marshall County, relief of.....	386
BEER	
Counties 400,000 or more population, tax on, act amended.....	1279
Tax on, levied	177
BETTER, WHITE-FRINGED	
Appropriation for control and eradication of.....	1223
Appropriation, white-fringed beetle control fund.....	824
BEVERAGES	
Soda water and other soft drinks containing artificial or non-nutritive sweetening, code section amended	537
BIRMINGHAM, CITY OF	
Boundaries altered	1059, 1061, 1064
Commissioners, election	993
Commissioners, salary	992
Form of government, election to authorize change in.....	980
Governing body, time of meetings regulated.....	342
Mayor-council form of government, election to vote on.....	1004
Powell Avenue, certain part of, closed for public street purposes.....	443
Retirement and relief system, act amended.....	478, 979
Retirement and relief system for certain employees of, provided	1067
Zoning of territory annexed to, regulated.....	691
Zoning regulations, authorized to amend, supplement, or repeal.....	691
BLIND PERSONS	
Alabama institute for deaf and blind, appropriation.....	776
Alabama institute for deaf and blind authorized to maintain,	

	Page
develop and supervise work shops and home industries for	1197
Products and services purported to be blind-made, sale and distribution of, regulated	1202
Stands to be operated by, in buildings and on properties of the state and political subdivisions, authorized.....	1200
BLOUNT COUNTY	
Board of education, election, duties, compensation.....	535
Board of finance and control, created.....	754
Board of revenue, abolished.....	754
Judge, circuit, compensation	380
Judge, circuit, compensation, act amended.....	954
Oneonta, city of, boundaries altered.....	309
School term, regulated	535
Superintendent of education, election, duties, compensation, act amended	512
BLUE AND GRAY FOOTBALL GAME	
Appropriation to sponsor.....	762
BOARD OF ADJUSTMENT, STATE	
Appropriation	811
BOARD OF COMMISSIONERS	
Sumter County, act creating amended	963
BOARD OF COMMISSIONERS AND CONTROL	
Cullman County, abolished.....	37
BOARD OF CORRECTIONS, STATE	
Appropriation	816, 831
County convicts, delivery to and imprisonment of, by state, code sections amended	705
Draper prison, joint resolution requesting state board of education to locate trade school at.....	709
BOARD OF EDUCATION, CITY	
See also: EDUCATION; SCHOOLS; SUPERINTENDENT OF EDUCATION, CITY; name of specific city or town	
Association of school board members recognized as an organization and representative agency of members of.....	718
Definition of the word "city", code section amended.....	317
Handicapped children, authorized to provide education for.....	591
Placement or assignment of pupils to schools.....	492
Separate schools for white and colored children, code section requiring maintenance of, repealed.....	492
Teachers, retired, employment of, provided for.....	1097
BOARD OF EDUCATION, COUNTY	
See also: EDUCATION; SCHOOLS; SUPERINTENDENT OF EDUCATION, COUNTY; name of specific county	
Association of school board members recognized as an organization and representative agency of members of.....	718
Blount County, election, duties, compensation.....	535

	Page
Butler County, election, act amended.....	385
Counties 19,200 to 20,000 population, authorized to fix compensation of superintendent of education.....	231
Counties 94,000 to 134,000 population, meetings of regulated.....	973
Cullman County, abolished.....	45
DeKalb County, election.....	971
Handicapped children, authorized to provide education for.....	591
Lamar County, meetings regulated.....	939
Lawrence County, issuance of bonds for school building purposes, authorized, constitutional amendment.....	489
Limestone County, election and term.....	451
Marengo County, qualifications and election, act amended.....	458
Pickens County, duties, act amended.....	308
Placement or assignment of pupils to schools.....	492
Teachers, retired, employment of provided for.....	1097
Wilcox County, attendance of children at school, regulated.....	462
Winston County, heaters in school buses, required.....	1054
Winston County, school bus drivers, minimum salary.....	1054
Winston County, school bus drivers, under twenty-five years of age, prohibited from employing.....	1054

BOARD OF EDUCATION, STATE

See also: EDUCATION; SCHOOLS; SUPERINTENDENT OF EDUCATION, STATE

Association of school board members recognized as an organization and representative agency of members of.....	718
Attendance of pupils at school, authorized to adopt rules and regulations governing, code sections repealed.....	492
Draper prison, joint resolution requesting the location of a trade school at.....	709
Exceptional children, authorized to establish rules and regulations governing education of.....	591
Montgomery, city of, joint resolution requesting the location of a vocational trade school in.....	725
Teachers, retired, employment of provided for.....	1097

BOARD OF EQUALIZATION, COUNTY

Counties 63,750 to 72,750 population, required to serve as commissioners in condemnation proceedings.....	1252
---	------

BOARD OF FINANCE AND CONTROL

Blount County, created.....	754
-----------------------------	-----

BOARD OF NURSES' EXAMINERS AND REGISTRATION

Appropriation.....	835
Licensed practical nurses, examination and licensing of, act amended.....	594
Registered nurses, examination and licensing of, act amended.....	595

BOARD OF PENSIONS AND SECURITY, COUNTY

Created in each county.....	763
-----------------------------	-----

BOARD OF PENSIONS AND SECURITY, STATE

Created.....	763
--------------	-----

BOARD OF REGISTRARS

See also: ELECTIONS; PRIMARY ELECTIONS; REGISTRATION OF VOTERS; VOTERS

	Page
Counties 56,500 to 72,500 population, reidentification of voters.....	711
DeKalb County, reidentification of voters.....	1146
Elmore County, reidentification of voters.....	433
Lauderdale County, reidentification of voters.....	226
Russell County, reidentification of voters.....	127
Talladega County, defining persons presumed to be qualified electors	254

BOARD OF REVENUE

See also: COURT OF COUNTY COMMISSIONERS; name of county governing body; name of specific county

Blount County, abolished	754
Clerks of, payment of compensation regulated.....	337
Colbert County, to provide solicitor of the law and equity court with office space and telephone service.....	967
Counties 24,500 to 25,725 population, expense allowance.....	355
Counties 29,500 to 30,500 population, compensation.....	599
DeKalb County, abolished	889
Etowah County, abolished.....	933
Etowah County, created	933
Jackson County, election, compensation.....	1040
Lauderdale County, abolished	61
Lauderdale County, act abolishing amended.....	229
Lawrence County, abolished.....	517
Limestone County, authorized to levy additional taxes for fire protection, constitutional amendment	400
Limestone County, authorized to provide fire protection.....	452
Limestone County, authorized to provide protection against forest fires	444
Limestone County, election	454
Macon County, compensation	145
Marengo County, act creating amended.....	45
Winston County, created	327

BOARD OF REVENUE AND CONTROL

Marshall County, created	612
Morgan County, act authorizing to provide sheriff with deputies and jailers, amended	1174
Morgan County, compensation, act amended.....	1173

BOARD OF REVENUE AND ROAD COMMISSIONERS

Mobile County, all warrants required to be drawn and signed by chairman of.....	703
Mobile County, term of office of members, extended.....	123

BONDS

Cities, execution of certain bonds issued by, regulated.....	340
Corporation created to construct roads and bridges authorized to issue	66
Counties authorized to issue for purpose of acquiring airports.....	881
Counties levying special ad valorem tax may issue, to acquire or enlarge sanitary sewer system.....	610
Highways, authorizing issuance for construction of.....	66
School building purposes, issuance authorized for.....	1055
School building purposes, issuance authorized for, constitutional amendment	750
State office buildings, issuance authorized for construction of.....	500
Tuscaloosa County, issuance authorized for construction of court house and jail, constitutional amendment.....	604

	Page
BOUNDARIES	
Barbour County, city of Eufaula, altered.....	220
Blount County, city of Oneonta, altered.....	309
Bullock County, city of Union Springs, altered.....	352
Cherokee County, town of Centre, altered.....	220
Covington County, City of Andalusia, altered.....	231
Cullman County, city of Cullman, altered.....	951, 1155
Dale County, city of Ozark, altered.....	142
Dallas County, city of Selma, altered.....	333
DeKalb County, town of Collinsville, altered.....	311
Georgia-Alabama, joint resolution creating committee to work out a more equitable boundary line between.....	339
Jefferson County, city of Birmingham, altered.....	1059, 1061, 1064
Jefferson County, city of Fairfield, altered.....	982
Jefferson County, city of Mountain Brook, altered.....	534, 923
Jefferson County town of Graysville, altered.....	984
Jefferson County, town of Kimberly, altered.....	1078
Jefferson County, town of Vestavia Hills, altered.....	1145
Lauderdale County, city of Florence, altered.....	373
Limestone County, city of Athens, altered.....	965, 966, 969, 970
Madison County, city of Huntsville, altered.....	715
Marengo County, city of Demopolis, altered.....	252
Mobile County, city of Mobile, altered.....	914
Montgomery County, city of Montgomery, altered.....	720, 1156, 1157
Morgan County, city of Decatur, altered.....	683
Russell County, town of Hurtsboro, altered.....	296
St. Clair County, town of Ragland, altered.....	1141
Talladega County, city of Talladega, altered.....	456
Tallapoosa County, city of Alexander City, altered.....	142
Tuscaloosa County, city of Tuscaloosa, altered.....	618, 55
Walker County, city of Cordova, altered.....	1145
Walker County, town of Parrish, repealing acts altering.....	86
BREWER, EVELYN LOUISE	
Jefferson County, relief of	618
BRIDGES	
See: ROADS AND BRIDGES; HIGHWAYS	
BROWN, MARY JACKSON	
Montgomery, city of, relief of.....	284
BROWN PRINTING COMPANY	
Joint resolution extending thanks to.....	1183
BUILDING COMMISSION, STATE	
Appropriation	803
BULLOCK COUNTY	
Tax assessor, compensation	533
Tax assessor, regulating fees, commissions and salary, constitu- tional amendment	491
Tax collector, compensation	533
Tax collector, regulating fees, commissions and salary, constitu- tional amendment	491
Union Springs, city of, boundaries altered.....	352

	Page
BUREAU OF BANKING	
Transferred to state banking department.....	497
BUREAU OF LOANS	
Transferred to state banking department.....	497
BUREAU OF PUBLICITY AND INFORMATION	
Appropriation	810
BUREAU OF SAVINGS AND LOAN	
Transferred to state banking department.....	497
BUTLER COUNTY	
Ad valorem tax for school purposes, constitutional amendment.....	551
Board of education, election, act amended.....	385
Greenville, city of, election of governing body.....	699
Sheriff, additional deputy, authorized.....	353
Superintendent of education, selection.....	113
Transfer of certain funds authorized.....	698
CAHABA HISTORICAL COMMISSION	
Appropriation	650, 819
CALHOUN COUNTY	
Property, perpetual inventory of, act repealed.....	53
Witness certificates, payment of, regulated, act amended.....	952
COMPBELL, L. F.	
Marshall County, relief of.....	388
CANDIES	
Marion County, election to authorize levy of privilege license or excise tax on.....	408
CARR, ROBERT BRYAN	
Joint resolution mourning death of.....	214
CAUSES OF ACTIONS	
See: ACTIONS; CIVIL REMEDIES AND PROCEDURE; JUDICIAL PROCEDURE	
CEMETERIES	
Counties 94,000 to 134,000 population, regulated.....	652
CENTRE, TOWN OF	
Boundaries altered	220
CHAMBERS COUNTY	
Circuit clerk authorized to appoint deputy clerk and register.....	1150
Circuit clerk, clerical assistance, act repealed.....	1150
CHECK-R-BOARD FEED STORE	
Marshall County, relief of	387

	Page
CHEROKEE COUNTY	
Centre, town of, boundaries altered.....	220
Probate judge, tax assessor, tax collector, circuit clerk, sheriff, register and deputy solicitor, supplies, clerical assistance, act amended	364
Roads and bridges in, highway department to construct and maintain	606
CHEWING GUM	
Marion County, election to authorize levy of privilege license or excise tax on	408
CHILTON COUNTY	
County court, created	941
County machinery and equipment, governing body authorized to use in clearing and grading building sites for new industries..	950
County solicitor's officer abolished	1142
Deputy solicitor, office created	1142
Law and equity court, abolished.....	941
CHURCHES	
Corporations not of a business character, powers of, code section amended	929
CIRCUIT CLERK	
See also: CIRCUIT COURT; JUDICIAL CIRCUITS; specific judicial circuit; specific counties and counties on a popula- tion basis	
Chambers County, clerk authorized, act repealed.....	1150
Chambers County, deputy clerk and register authorized.....	1150
Cherokee County, supplies, clerical assistance, act amended.....	364
Counties 29,350 to 30,350 population, clerical assistance author- ized	142
Counties 47,500 to 52,500 population, deputy circuit clerk, ap- pointment, duties, and compensation	157
Counties 63,750 to 72,750 population, authorized to issue warrants in criminal cases.....	532
Counties 80,000 to 94,000 population, chief clerk and assistant chief clerk, authorized	1045
Counties 500,000 or more population, salary.....	975
Cullman County, fees and salary, constitutional amendment.....	603, 627
Elmore County, compensation, constitutional amendment.....	399
Elmore County, placed on salary.....	436
Lawrence County, deputy clerk authorized, act amended	1041
Lee County, clerical assistance, act amended.....	287
Limestone County, election, term, compensation, act amended.....	314
Mobile County, clerk of the criminal division of the circuit court, appointment, duties and compensation.....	910
Official bond a lien on property of, code section repealed.....	929
Pike County, deputy circuit clerk, authorized.....	394
Russell County, deputy circuit clerk, compensation.....	1080
St. Clair County, clerk hire allowance.....	530
Tenth judicial circuit, deputy clerk, compensation.....	1002
Walker County, clerical assistance authorized.....	87
Wilcox County, clerk hire allowance	477
CIRCUIT COURT	
See also: BAILIFFS; CIRCUIT CLERK; JUDGE, CIRCUIT;	

Page

JUDICIAL CIRCUITS; REGISTER, CIRCUIT COURT; SO-
LICITOR, CIRCUIT; specific judicial circuit

Appeals in habeas corpus cases, code section amended.....	294
Appropriation	799
Appropriation, certain court costs to be paid by the state.....	819
Charge of judge in civil and criminal cases, court reporter taking down, code section amended	178
Circuits composed of one county and having two judges, appoint- ment, tenure and compensation of bailiffs regulated.....	96
Counties 47,500 to 52,500 population, deputy circuit clerk, ap- pointment, duties, and compensation.....	157
Counties 80,000 to 94,000 population, chief clerk and assistant chief clerk, authorized	1045
Counties 200,000 to 400,000 population, bailiffs, appointment and compensation	513
Counties 225,000 to 400,000 population, domestic relations divi- sion of, created	783
Court reporters, compensation, act amended.....	977
Covington County, payment of certain expenses from fine and forfeiture fund	54
Exceptions to rulings of the court made unnecessary, manner of requesting and objecting to such rulings.....	150
Grand jury, appointment of foreman.....	1253
Madison County, register, clerical assistance authorized.....	114
Mobile County, clerk of the criminal division, appointment, duties and compensation	910
Morgan County, appointment and compensation of deputy clerk, act amended	1174
Probation and suspension of execution of sentence, code section amended	1093
Suits or actions in, certain persons in service of federal govern- ment deemed to be residents of Alabama for purpose of maintaining	1253

CIRCUIT SOLICITOR

See: SOLICITOR, CIRCUIT

CITATIONS

Counties 400,000 or more population, service of, by certified mail, authorized	956
---	-----

CITIES, GENERAL LAWS

Aircraft control and warning station, authorized to provide site on which federal government may establish.....	288
Aldermen and mayor, election, code section amended.....	930
Appeals from recorder's court, code section amended.....	900
Blind persons, products and services of, authorized to purchase.....	1197
Blind persons, stands to be operated by, in buildings and on properties of, authorized.....	1200
Bonds, or other obligations for the payment of money by, execu- tion of, with engraved or otherwise reproduced facsimile of any signature, authorized	340
"Cities" or "towns", classifying incorporated municipalities as, code section amended	408
Civil defense organizations, creation of authorized.....	267
Commissioners, compensation, code section amended.....	931
Definition of the word "city", code section amended.....	317
Electric systems, powers with respect to the acquisition and financing of, code sections amended.....	1127

	Page
Employees' retirement system, participation in, code section amended	637
Fire departments granted immunity from tort liability in certain cases	1219
Gas districts, acts and proceedings to incorporate validated in certain cases	1221
Housing authorities, act limiting amount of rentals charged by, amended	1215
Housing authorities, validating creation, obligations, and proceedings of	1216
Incorporation of, code section amended	149
Incorporation of, validated in certain cases	455, 1223, 81
Mayor and aldermen, election and duties, code section amended ..	930
Mayor, salary and duties, code section amended	1106
Medical clinics, incorporation of a board for the purpose of acquiring and operating, authorized	1160
Planning commissions, composition of	1000
Planning commissions, procedure regulated, code section amended	974
Post offices, authorized to acquire and lease to federal government properties suitable for use as	1107
Public corporation, incorporation of in municipality for purpose of acquiring, constructing and maintaining buildings for use by the municipality, authorized	1116
Recorder in cities having commission form of government, election and compensation, code section amended	1219
Slum areas, additional power and authority to eliminate or prevent the spread of	1210
Waterworks system, authorized to acquire, operate and extend whether located within or without corporate limits, code section amended	1217
 CITIES 6,000 POPULATION OR LESS	
Cost of certain public improvements not deemed to constitute indebtedness of, constitutional amendment	744
 CITIES 6,000 OR MORE POPULATION	
Public improvements, financing and construction of outside the corporate limits and within the police jurisdiction of, act repealed	1112
Public improvements, financing and construction of outside the corporate limits and within the police jurisdiction of, authorized	1112
 CITIES 6,125 TO 6,725 POPULATION	
Council-mayor form of government, election of governing body	952
 CITIES 6,500 TO 6,900 POPULATION	
Election of governing body	699
 CITIES 40,000 TO 55,000 POPULATION	
Governing body, additional duties and compensation	295
 CITIES 45,000 TO 54,000 POPULATION	
Firemen's and policemen's pension and relief fund, act creating amended	525
 CITIES 75,000 TO 125,000 POPULATION	
Employees retirement system, act amended	42

CITIES 200,00 OR MORE POPULATION

Mayor-council form of government for, election to vote on.....1004

CITIES 250,000 OR MORE POPULATION

Commissioners, election 993
 Commissioners, salary 992
 Form of government, election to authorize change in 980
 Governing body, time of meetings regulated 342
 Retirement and relief system, act amended 478, 979
 Zoning of territory annexed to, regulated 691
 Zoning regulations, authorized to amend, supplement, or repeal 691

CITY

Definition of word "city", code section amended 317

CIVIL AND CRIMINAL CASES

Charge of the judge in, court reporter taking down, code section amended 178

CIVIL DEFENSE, DEPARTMENT OF

Appropriation 147, 803
 Created 267
 Director, compensation 896

CIVIL REMEDIES AND PROCEDURE

See also: ACTIONS; JUDICIAL PROCEDURE

Action against employer in dispute involving payment of wages, joinder of all employees as plaintiffs in, authorized 362
 Actions on policies or certificates of insurance, venue in 886
 Appeals from recorder's court, code section amended 900
 Challenge of jurors for cause, code section amended 605
 Charge of the judge in civil and criminal cases, court reporter taking down, code section amended 178
 Counties 400,000 or more population, calling and impaneling of alternate jurors for trials in certain cases, authorized 166
 Depositions of witnesses or parties upon oral examination for discovery of or use as evidence, taking of provided for 901
 Exceptions to rulings of the court made unnecessary, manner of requesting and objecting to such rulings 150
 Lien in favor of hospitals upon cause of action accruing to injured person to whom care and treatment is given 1098
 Municipal fire departments granted immunity from tort liability in certain cases 1219
 Probation and suspension of execution of sentence, code section amended 1093
 Suits or actions in state courts, certain persons in service of federal government deemed to be residents of Alabama for purpose of maintaining 1253
 Tort liability, immunity from, granted to municipal fire departments in certain cases 1219

CIVIL SERVICE SYSTEMS

See also: EMPLOYEES, STATE; PERSONNEL

Mobile County, election, duties and compensation of personnel director 483
 Mobile County, supervisory committee of the county personnel board, created 431

	Page
CLARKE COUNTY	
Hunting of raccoons and opossums at night, authorized.....	354
Register, compensation, constitutional amendment.....	379
Sheriff, special deputy, appointment and compensation.....	175
Superintendent of education, election, compensation, act amended	959
Witness fees, criminal cases in the inferior court, manner of registering and paying claims for	958
CLEBURNE COUNTY	
Superintendent of education, compensation.....	440
CLERK, CIRCUIT	
See: CIRCUIT CLERK	
CLIO TELEPHONE COMPANY	
Joint resolution creating committee to investigate.....	403
Joint resolution directing committee to continue investigation of.....	1004
COAL MINES	
County convicts prohibited from working in, code section amended	705
Privilege license tax on the operation of, code section repealed.....	926
CODE OF ALABAMA 1940	
Appropriation, purchase of code pocket supplements.....	820
Code and pocket supplement, secretary of state to distribute to certain legal-aid offices and societies.....	85
Governor authorized to enter into contract with publishing company to replace volumes of.....	293
CODE OF ALABAMA 1940 AMENDED	
Title 2, Section 313. Adulteration of soda water and other soft drinks or beverages	537
Title 5, Section 82. Limiting amount of loans made by a bank to any one person, firm, or corporation.....	292
Title 7, Section 272. Court reporter taking down the charge of the judge in civil and criminal cases.....	178
Title 7, Section 713. Designation of newspaper and regulations regarding the printing and publication of legal advertisements	1207
Title 10, Section 27. Declaration of stock dividends by corporations	147
Title 10, Sections 94 through 100. Authorizing and regulating the consolidation and merger of two or more corporations.....	319
Title 10, Section 126. Powers of corporations not of a business character	929
Title 11, Section 34. Fees and allowances of sheriffs.....	1243
Title 11, Section 100. Fees and allowances of sheriffs.....	1243
Title 13, Section 31. Certain judges may elect to become supernumerary justices of the supreme court.....	626
Title 13, Section 47. Appointment and compensation of confidential secretaries of the supreme court.....	412
Title 13, Section 107. Appointment, duties and compensation of certain employees of the court of appeals.....	411
Title 13, Section 254. Appointment of deputy solicitors of the thirteenth judicial circuit	44

	Page
Title 13, Section 255. Appointment of deputy solicitors by the circuit solicitor of the fifteenth judicial circuit	148
Title 13, Section 380. Appointment and compensation of clerks of juvenile courts	1166
Title 14, Section 390. Fixing the compensation of the state toxicologist	897
Title 15, Section 369. Appeals in habeas corpus cases	294
Title 19, Section 11. Appointment of commissioners in condemnation proceedings	1252
Title 22, Section 199. Care and treatment of tubercular patients	703
Title 23, Section 131. Penalty for throwing, dumping, or leaving trash, debris, or rubbish on highways	149
Title 25, Section 87. Limiting amount of rentals charged by housing authorities	1215
Title 26, Section 185. Definition of word "employer" under unemployment compensation law	247
Title 26, Section 194. Definition of "benefit year" under unemployment compensation law	851
Title 26, Section 204. Experience rating under unemployment compensation law	238
Title 26, Sections 207 and 208. Weekly benefit amount under unemployment compensation law	848
Title 26, Section 213. Benefit eligibility conditions for unemployment compensation	852
Title 26, Section 214. Disqualification for unemployment compensation	875
Title 26, Section 224. Period and termination of employer's coverage under unemployment compensation law	249
Title 26, Section 225. Election of employer to come under unemployment compensation law	249
Title 26, Section 279. Schedule of compensation under workmen's compensation law	855
Title 26, Section 283. Death compensation under workmen's compensation law	864
Title 26, Section 287. Order in which total dependents take compensation under workmen's compensation law	849
Title 26, Section 289. Limitations on compensation under workmen's compensation law	874
Title 26, Section 292. Waiting period in temporary disability claims under workmen's compensation law	850
Title 26, Section 293. Medical, surgical and hospital service under workmen's compensation law	853
Title 26, Section 309. Employer's right to insure risks under workmen's compensation law	870
Title 29, Section 211. Officers who may issue search warrants under the law regulating the possession, sale, and distribution of intoxicating beverages	151
Title 30, Section 15. Compensation of clerks of jury commissions	1175
Title 36, Sections 42, 44 and 45. Lighting equipment on motor vehicles	621
Title 36, Section 61. Receipts from issuance of driver's licenses paid into highway patrol fund	260
Title 36, Section 69. Fines, penalties, and forfeitures for violations of law relating to driver's licenses paid into highway patrol fund	260
Title 36, Section 71. Creation of the state highway patrol	260
Title 36, Section 89. Limiting size and weight of motor vehicles and loads	559

	Page
Title 37, Section 5. Classifying incorporated municipalities as "cities" or "towns"	408
Title 37, Section 10. Incorporation of municipal corporations.....	149
Title 37, Section 73. Compensation of commissioners.....	931
Title 37, Section 97. Election, duties, and salary of the recorder in certain cities	1219
Title 37, Section 105. Compensation of commissioners.....	931
Title 37, Sections 308, 309, 310, 312, 313, 314, 315, 325, 327, 329 and 340. Authorizing and regulating water, gas and sewer systems acquired and operated by counties and municipalities	1127
Title 37, Section 363. Authorizing municipalities to acquire, operate and extend waterworks system, whether located within or without corporate limits.....	1217
Title 37, Section 404. Election and duties of mayor and aldermen	930
Title 37, Section 440. Salary and duties of mayors.....	1106
Title 37, Section 587. Appeals from recorder's court.....	900
Title 37, Section 788. Compensation of the membership of a city planning commission	1000
Title 37, Section 793. Regulating the procedure of city planning commissions	974
Title 41, Section 152. Salaries of certain state employees, maximum amount of	895
Title 41, Section 154. Mileage and per diem expenses allowed persons traveling in service of the state.....	356
Title 42, Section 19. Probation and suspension of execution of sentence	1093
Title 45, Section 96. County governing bodies authorized to deliver convicts sentenced to hard labor for the county to the state department of corrections and institutions.....	705
Title 45, Section 97. Resolution of county governing bodies with respect to the delivery of county convicts to the department of corrections and institutions.....	705
Title 45, Section 100. Prohibiting the working of county convicts in coal mines.....	705
Title 51, Section 30. Compensation of tax assessors.....	1224
Title 51, Section 191. Compensation of tax collectors.....	1230
Title 51, Section 347. Prescribing the rate of franchise tax levied on domestic corporations.....	191
Title 51, Section 348. Prescribing the rate of franchise tax levied on foreign corporations doing business in the state.....	191
Title 51, Section 350. Providing for the collection and distribution of the proceeds of the corporation franchise tax.....	191
Title 51, Section 394. Time of filing state income tax return.....	80
Title 51, Section 409. Time and methods of payment of income tax	661, 80
Title 51, Section 425. Excise tax on financial institutions.....	1232
Title 51, Section 457. Privilege license tax on persons selling or installing air-conditioning plants or equipment.....	184
Title 51, Section 566. Privilege license tax on cold storage plants, packing houses, and refrigerated warehouses.....	317
Title 51, Section 632. Distribution of the proceeds of the tax levied on lubricating oils.....	259
Title 51, Section 647. Levying a state gasoline excise tax.....	73
Title 51, Sections 655, 656, and 657. Providing for the distribution of the proceeds of the state gasoline excise tax.....	73
Title 51, Section 718. Prescribing amount of tobacco tax, and defining persons who are liable therefor.....	188
Title 51, Section 728. Discount for handling tobacco tax stamps.....	1181

	Page
Title 51, Section 741. Prescribing whom the toxacco tax shall be paid to	188
Title 51, Section 751. Providing for the distribution of the proceeds of the tobacco tax.....	188
Title 51, Section 752. Definition of "wholesale sale", "sale at wholesale", and other terms relative to the sales tax.....	645
Title 51, Section 812. Definition of insurance company.....	193
Title 51, Section 815. Statements required to be filed by insurance companies	193
Title 51, Section 816. Rate of premium tax levied on foreign insurance companies	193
Title 51, Section 819. Rate of premium tax levied on domestic insurance companies	193
Title 52, Section 148. Definition of word "city"	317
Title 52, Section 364 and 366. Membership and benefits under the teachers' retirement system	1101
Title 52, Section 365. Creditable service under the teachers' retirement system	1206
Title 52, Section 366. Retirement age and benefits under the teachers' retirement system	90
Title 52, Section 368. Management of funds of the teachers' retirement system	630
Title 52, Section 369. Method of financing the teachers' retirement system	630, 1136
Title 60, Section 7. Widows of Confederate veterans who are entitled to pensions	743
Title 62, Section 2. Jurisdiction of juvenile court vested in county inferior court in certain counties.....	238

CODE OF ALABAMA 1940 REPEALED

Title 2, Sections 274 through 281. Regulating the sale of eggs.....	152
Title 37, Sections 331, 332 and 333. Transfer or disposition of surplus funds derived from the operation of a gas, water, or sewer system by a county or municipality.....	1127
Title 41, Section 44. Official bond a lien on property of certain county officers	929
Title 51, Section 555. Privilege license tax on the operation of coal mines	926
Title 51, Section 818. Fees and premium tax levied on reciprocal or inter-insurance exchanges	193
Title 51, Section 827. Levying a fire marshal tax on insurance companies writing fire insurance.....	193
Title 51, Section 828. Fire insurance companies acting as underwriters, levying tax on gross premiums.....	193
Title 51, Section 829. Penalty for failure of fire insurance companies to pay fire marshal tax, or to pay tax on gross premiums when acting as underwriters.....	193
Title 52, Section 56. Requiring the state superintendent of education to prepare rules and regulations for the enforcement of school attendance.....	492
Title 52, Section 93. Requiring free separte schools for white and colored children	492
Title 52, Section 163. Authorizing the attendance of city schools by children residing without the city.....	492
Title 52, Section 167. City board of education required to maintain separate schools for white and colored children.....	492
Title 52, Sections 318 and 319. Promulgation of rules and regulations by the state board of education governing the attendance of children at school.....	492

	Page
Title 55, Sections 19, 20, 22, 24, 25, 26, 27, and 28. Creating the state department of commerce.....	497
Title 62, Sections 221 to 227, inclusive. Regulating the calling and impaneling of jurors in counties 400,000 or more population	166
COFFEE COUNTY	
Industrial development of municipalities, constitutional amendment	486
Judge, circuit, compensation	380
Judge, circuit, compensation, act amended.....	954
Tax assessor, office equipment, supplies and clerical assistance.....	954
Tax collector, office equipment, supplies and clerical assistance.....	954
COLBERT COUNTY	
Alcoholic beverages, sale of, regulated.....	224
Banks in a municipality within, authorized to establish branch banks	136
Branch banks authorized	135
Commissioner of public schools, office abolished.....	440, 185
Coroner, clerical assistance	617
Solicitor of the law and equity court, office space, telephone service	967
Superintendent of education, office created	440, 185
Tuscumbia, city of, dedication of certain property vacated and annulled	513
COLD STORAGE PLANTS	
Privilege license tax, code section amended.....	317
COLE, MRS. H. F.	
Talladega County, relief of	530
COLISEUM, LIVESTOCK	
Appropriation, agricultural center board, for operation of.....	318, 824
COLLEGES AND UNIVERSITIES	
See: Specific institution	
COLLINSVILLE, TOWN OF	
Boundaries altered	311
COMMERCE, STATE DEPARTMENT OF	
Abolished	497
Appropriation	803
COMMISSION ON EDUCATION	
Cullman County, act creating amended.....	224
Cullman County, created	45
COMMISSION ON EDUCATION WITH RESPECT TO ALCOHOLISM	
Appropriation	826
COMMISSION OF EDUCATION	
Escambia County, office created	48

COMMISSIONER OF LICENSES

Counties 230,000 to 400,000 population, term of office extended.....	126
Counties 230,000 to 500,000 population, salary.....	233

COMMISSIONER OF PUBLIC SCHOOLS

Colbert County, office abolished.....	440, 185
---------------------------------------	----------

COMMON CARRIERS

"Alabama motor carrier act of 1939", amended.....	1204, 140
Motor vehicles used for commercial purposes and owned by certain non-residents, registration of, prohibited.....	879

CONDEMNATION

Counties 63,750 to 72,750 population, board of equalization to serve as commissioners in condemnation proceedings.....	1252
Rights of way for state roads, acquisition of.....	1230

CONECUH COUNTY

Industrial development of municipalities in, constitutional amendment	357
--	-----

CONFEDERATE VETERANS

Appropriation, pensions for	836
Widows of, who are entitled to pensions, code section amended.....	743

CONSERVATION

See also: CONSERVATION, STATE DEPARTMENT OF;
FISHING; GAME AND FISH; HUNTING

Fishing licenses, code section amended.....	601
Fishing with electrical devices, committee created to correlate results of biological study relative to, joint resolution.....	515
Forest fires, county governing body authorized to provide pro- tection against	1208
Forest fires, interstate compacts for prevention and control of, authorized	917
Fort Morgan Historical Commission, created.....	780
Soil conservation committee, appropriation	815

CONSERVATION, STATE DEPARTMENT OF

Appropriation	813, 828
Commercial fishing gear, act regulating and licensing use of, amended	59
Director authorized to appoint volunteer forest fire wardens.....	886
Forest fire protection program, counties authorized to partici- pate in	1208

CONSTITUTIONAL AMENDMENTS

Ad valorem taxes, additional, for public school purposes.....	753
Bonds, issuance of, for school building purposes.....	750
Bullock County, regulating fees, commissions, and salaries of tax assessor and tax collector	491
Butler County, ad valorem tax for school purposes.....	551
Cities 6,000 population or less, cost of certain public improve- ments not deemed to constitute indebtedness of.....	744
Clarke County, register of circuit court, compensation.....	379

	Page
Coffee County, industrial development of municipalities.....	486
Conecuh County, industrial development of municipalities.....	357
Cullman County, circuit clerk, fees and salary.....	603, 627
Cullman County, industrial development of municipalities.....	397
Elmore County, judge of probate, sheriff, tax assessor, tax collector, circuit clerk and register, compensation.....	399
Fayette County, municipalities in, powers of.....	547
Hospitals, public, special taxes authorized for support of.....	757
Jefferson County, circuit judge, filling vacancies in office of.....	546
Lamar County, industrial development of municipalities.....	234
Lamar County, powers and authority of the county governing body.....	756
Lawrence County, issuance of bonds for school building purposes, authorized.....	489
Lawrence County, special school districts and taxes, authorized.....	489
Lee County, ad valorem tax for school purposes.....	550
Lee County, cities of Auburn and Opelika, ad valorem taxes for school purposes.....	544
Limestone County, additional ad valorem tax.....	544
Limestone County, additional taxes to provide fire protection.....	400
Marion County, industrial development.....	748
Marion County, powers and authority of county governing body.....	756
Montgomery County, ad valorem tax for school purposes.....	256
Pike County, costs and charges of courts.....	361
Russell County, ad valorem tax for school purposes.....	401
Tax on incomes, special, for school purposes, authorized.....	541
Tuberculosis sanatoria, authorizing issuance of bonds for construction of.....	759
Tuscaloosa County, issuance of bonds for construction of court house and jail, authorized.....	604
Walker County, costs and charges of courts.....	360
Walker County, industrial development of municipalities.....	289
Winston County, ad valorem taxes for school purposes and for public hospital and health services.....	745
 CONTRABAND	
Counties 94,000 to 134,000 population, disposition of proceeds of sale of.....	649
 CONTRACTORS, GENERAL, STATE LICENSING BOARD FOR	
Appropriation.....	834
 CONTRACTS	
Insurance, venue in actions on.....	886
 CONVICTS	
See also: BOARD OF CORRECTIONS, STATE; PRISONERS; PRISONS	
Appropriation, expenses incident to arrest of absconding felons.....	817
Appropriation, expenses incident to removal of.....	817
County convicts, delivery to and imprisonment of by the department of corrections and institutions, code section amended.....	705
County convicts, prohibited from working in coal mines, code section amended.....	705
Probation and suspension of execution of sentences, code section amended.....	1093
 CORDOVA, CITY OF	
Boundaries altered.....	1145

	Page
CORONER	
Colbert County, clerk authorized	617
Counties 63,700 to 70,000 population, office space, equipment and supplies	532
Counties 80,000 to 94,000 population, assistant coroner authorized	690
Counties 225,000 to 400,000 population, office of coroner's pathologist created	600
Counties 230,000 to 400,000 population, term of office extended	176
Limestone County, compensation	444
Talladega County, clerk authorized	715
CORPORATE LIMITS	
See: BOUNDARIES; name of specific town or city	
CORPORATIONS	
Corporations not of a business character, powers of, code section amended	929
Counties 400,000 or more population, incorporation of tunnel authorities for construction of vehicular tunnels, authorized	562
Counties 500,000 or more population, authorized to create public corporation for the purpose of constructing, operating tubercular hospitals or clinics	366
Domestic, consolidation or merger of two or more, code sections regulating amended	319
Foreign and domestic, consolidation or merger of two or more, code sections regulating amended	319
Franchise tax, rate, collection and distribution of, code sections amended	191
Gas districts, acts and proceedings to incorporate, validated in certain cases	1221
Housing authorities, amount of rentals charged by limited, act amended	1215
Housing authorities, creation, obligations, and proceedings of, validated	1216
Marion County, public corporation to acquire and operate hydro-electric and irrigation projects and sell water and water rights, creation of authorized	465
Municipal, classifying as "cities" or "towns", code section amended	408
Municipal, incorporation of, code section amended	149
Municipal, incorporation of validated in certain cases	455, 1223, 81
Non-profit, organization, dissolution	1254
Public corporation in each county to construct, operate irrigation projects, hydro-electric power projects, sell water and water rights, creation of, authorized	1186
Public corporation to construct roads and bridges, creation authorized	66
Public, created for the purpose of constructing state office building or buildings	500
Public, for hospital purposes in any county, incorporation of, act amended	437, 87
Public, for purpose of acquiring, constructing and maintaining buildings for use by municipality, incorporation of, authorized	1116
Public, for purpose of acquiring and operating a medical clinic in any municipality, incorporation of, authorized	1160
Stock dividends, declaration of, code section amended	147
COUNCIL OF STATE GOVERNMENTS	
Appropriation	917

COUNTIES, GENERAL LAWS

Airports, issuance of warrants or certificates of indebtedness for purpose of acquiring	881
Blind persons, operation of stands by, in public buildings and on public properties, authorized	1200
Blind persons, products and services of, purchase authorized	1197
Branch banks prohibited except in counties 200,000 or more population	314
Civil defense organizations, creation of authorized	267
Clerks, county governing bodies, compensation regulated	337
County convicts, delivery to and imprisonment of by department of corrections and institutions, code section amended	705
County officers, official bonds a lien on property, code section providing for repealed	929
Electric systems, powers with respect to the acquisition and financing of, code sections amended	1127
Employees' retirement system, participation in, code section amended	637
Forest fires, county governing body authorized to provide protection against	1208
Housing authorities, act limiting amount of rentals charged by, amended	1215
Housing authorities, creation, obligations, and proceedings of, validated	1216
Public corporations for hospital purposes, incorporation of, act amended	437, 87
Public corporations to construct, operate irrigation projects, hydro-electric power projects, sell water and water rights, creation of, authorized	1186
School tax, special, certain elections to levy, validated	50
Sewer systems, certain counties may issue general obligation bonds or certificates of indebtedness for purpose of constructing, enlarging	610
State to reimburse, for expenses incurred in conducting certain elections	406

COUNTIES 19,200 TO 20,000 POPULATION

Superintendent of education, compensation	221
---	-----

COUNTIES 22,000 TO 23,000 POPULATION

County commissioners placed on salary	377
Purchasing system, established	377
Roads and bridges, construction, repair and maintenance on a county-wide basis	377

COUNTIES 24,500 TO 25,725 POPULATION

County governing body, expense allowance	355
--	-----

COUNTIES 29,350 TO 30,350 POPULATION

Circuit clerk, clerical assistance authorized	142
Tax assessor, clerk authorized	60
Tax collector, clerk authorized	60

COUNTIES 29,500 TO 30,500 POPULATION

County solicitor, deputy circuit solicitor, or assistant circuit solicitor, additional compensation	598
Governing body, compensation	599

COUNTIES 30,700 TO 31,400 POPULATION AND HAVING TWO COURTHOUSES AND A COURT OF COUNTY COMMISSIONERS	
Tax assessor and tax collector, office equipment, supplies and clerical assistance	954
COUNTIES 47,500 TO 52,500 POPULATION	
County solicitor, additional duties and compensation.....	158
Deputy circuit clerk, appointment and compensation.....	157
COUNTIES 50,000 OR LESS POPULATION	
Board of directors of certain public hospital corporations, appointment, act amended	87
COUNTIES 56,500 TO 72,500 POPULATION	
Reidentification of voters	711
COUNTIES 63,500 TO 72,500 POPULATION	
Jury commission, compensation	619
COUNTIES 63,700 TO 70,000 POPULATION	
Coroner, office space, equipment and supplies.....	532
Medical, surgical and hospital supplies, purchase of, exempt from system of competitive bidding.....	1051
COUNTIES 63,750 TO 72,750 POPULATION	
Bail, defining powers and authority of courts in proceedings on forfeitures of	531
Board of equalization to serve as commissioners in condemnation proceedings	1252
Circuit clerk authorized to issue warrants in criminal cases.....	532
Police jurisdiction outside corporate limits of cities and towns in, upon annexation of adjoining territory, defined.....	1053
Superintendent of education, compensation	343
COUNTIES 65,000 to 75,000 POPULATION	
Branch banks, authorized	308
COUNTIES 73,000 TO 93,000 POPULATION	
Witness certificates, payment of, act amended.....	952
COUNTIES 75,000 TO 90,000 POPULATION	
Property, perpetual inventory of, act repealed.....	53
COUNTIES 80,000 TO 94,000 POPULATION	
Circuit court, chief clerk and assistant chief clerk, provided for.....	1045
Coroner, assistant, authorized	690
County court, chief clerk, provided for.....	1045
County court, compensation of judge.....	1003
Hospital board, created	686
Prisoners, feeding of, regulated	714
Sales and use tax, levy authorized for hospital purposes.....	1046
Sheriff, uniforms for employees of, authorized.....	354
Tax assessor, compensation	1003
Tax collector, compensation	1003

	Page
COUNTIES 94,000 TO 134,000 POPULATION	
Alcoholic beverages, sale of, prohibited in certain places.....	592
Board of education, meetings of, regulated.....	973
Cemeteries, regulated	652
Contraband or forfeited property, disposition of proceeds of sale of	649
Governing body authorized to appoint probation officers.....	172
Polio victims authorized to attend nearest public school without payment of certain fees	84
Polls, time of opening and closing.....	316
Register, costs and fees of, in certain cases, regulated.....	534
Workmen's compensation, certain employees covered under.....	163
COUNTIES 94,000 TO 135,000 POPULATION	
Branch banks authorized	130
COUNTIES 96,000 TO 140,000 POPULATION	
Sheriff, compensation, assistants, act amended.....	41, 363
COUNTIES 125,000 TO 200,000 POPULATION	
Employees retirement plan, authorized and required.....	720
COUNTIES 125,000 TO 225,000 POPULATION	
Barbers, regulated and licensed.....	654
Employees retirement plan, authorized and required.....	960
Joint public charity hospital board, creation of, authorized.....	694
COUNTIES 125,000 TO 400,000 POPULATION	
Non-residents arrested for certain traffic violations may post cash sum with sheriff in lieu of an appearance bond.....	178
COUNTIES 140,000 OR MORE POPULATION	
Plumbers examining board, act creating amended.....	911
COUNTIES 200,000 TO 400,000 POPULATION	
Bailiffs for the circuit court, appointment, compensation.....	513
Designating voting places and assigning voting machines or booths alphabetically	908
COUNTIES 200,000 TO 500,000 POPULATION	
Judge of probate, qualifications for holding office.....	380
COUNTIES 225,000 TO 400,000 POPULATION	
Branch banks, authorized	907
Coroner's pathologist, office created.....	600
Domestic relations division of the circuit court, created.....	783
Hospital board, created	350
COUNTIES 230,000 TO 400,000 POPULATION	
Commissioner of licenses, term of office extended.....	126
Coroner, term of office extended.....	126
COUNTIES 230,000 TO 500,000 POPULATION	
Commissioner of licenses, salary.....	233

COUNTIES 400,000 OR MORE POPULATION

Beer tax, act levying amended.....	1279
Building commissioner, appointment of, act amended.....	692
County officers on a salary basis required to pay fees, costs and commissions into county treasury.....	989
Deputy circuit solicitors, compensation.....	975
Governing body, duties and functions of, act amended.....	692
Governing body, salary of president and members.....	990
Incorporation of tunnel authorities for construction of vehicular tunnels, authorized.....	562
Judge of any court where such judge is elected by the circuit judges of the county, compensation.....	1002
Juries and alternate jurors in criminal and quasi-criminal cases in circuit courts, impaneling of.....	313, 166
Jurors, alternate, impaneling of, in certain civil cases, authorized.....	1248
Juvenile and domestic relations court, salary of judge.....	991
Planning commissions, duties and functions of, act amended.....	692
Service of certain notices, subpoenas, citations, and other writings by certified mail, authorized.....	956
Sheriff, salary.....	1001
Zone maps, adoption of, by county governing body, regulated.....	955
Zoning boards, duties and functions of, act amended.....	692
Zoning of territory annexed to cities or towns less than 250,000 population, regulated.....	698

COUNTIES 500,000 OR MORE POPULATION

Circuit clerk, salary.....	975
Deputy circuit solicitor and assistant deputy circuit solicitor, compensation.....	988
Parks, fairgrounds, and other such facilities, appropriation of funds to public corporation operating, authorized.....	685
Tax assessor, salary.....	992
Tax collector, salary.....	992
Treasurer, salary.....	999
Tubercular hospitals or clinics, public corporation for the purpose of constructing, operating, creation authorized.....	366

COUNTY COMMISSION

See also: BOARD OF REVENUE; COURT OF COUNTY COMMISSIONERS; name of specific county

Cullman County, created.....	37
DeKalb County, created.....	889

COUNTY COURT

Chilton County, created.....	941
Counties 47,500 to 52,500 population, county solicitor, additional duties and compensation.....	158
Counties 80,000 to 94,000 population, chief clerk authorized.....	1045
Counties 80,000 to 94,000 population, compensation of judge.....	1003
Issuance of search warrant by judge under law regulating sale of alcoholic beverages, code section amended.....	151
Marion County, established.....	115
Marshall County, act establishing repealed.....	786
Marshall County, established.....	786
Marshall County, transferring criminal jurisdiction from justices of the peace to, act repealed.....	786

	Page
Morgan County, appointment and compensation of deputy clerk, act amended	1174
Perry County, criminal cases in, manner of registering and pay- ing claims for witness fees	348
Winston County, abolished	553
 COUNTY ENGINEER	
See: ENGINEER, COUNTY	
 COUNTY SOLICITORS	
See: SOLICITOR, COUNTY	
 COURT, CIRCUIT	
See: CIRCUIT COURT	
 COURT, COUNTY	
See: COUNTY COURT; name of specific county	
 COURT, INFERIOR	
See: INFERIOR COURT; name of specific county	
 COURT, JUVENILE	
See: JUVENILE AND DOMESTIC RELATIONS COURT; name of specific county	
 COURT, LAW AND EQUITY	
See: LAW AND EQUITY COURT	
 COURT OF APPEALS	
Appeals in habeas corpus cases, code section amended	294
Appropriation	799
Employees of, appointment, compensation, and duties, code section amended	411
Supernumerary judges, election of judges to become, act amended	627
 COURT OF COMMON PLEAS	
Autauga County, qualifications of judge, act amended	616
 COURT OF COUNTY COMMISSIONERS	
See also: BOARD OF REVENUE; COUNTY COMMISSION; name of specific county	
Clerks of, compensation regulated	337
Counties 22,000 to 23,000 population, members placed on salary	377
Counties 24,500 to 25,725 population, expense allowances	355
Counties 29,500 to 30,500 population, compensation	599
Dale County, compensation and expense allowance	697
Lauderdale County, re-established	61
Lauderdale County, transportation for members of, regulated	229
Lawrence County, created	517
Marengo County, act abolishing amended	45
Marshall County, abolished	612
Pickens County, additional privilege license, excise, sales and use taxes, calling election to authorize levy of	180

	Page
Pike County, deputy circuit solicitor, appointment and compensation of clerk for	393
Russell County, validating certain warrants issued by	376
Wilcox County, compensation, act amended	484
Winston County, abolished	327

COURT OF COUNTY REVENUES

Dallas County, expenditure of funds for purposes not otherwise provided by law, act amended	396
---	-----

COURT REPORTERS

Appropriation	800
Charge of the judge in civil and criminal cases, taking down, code section amended	178
Compensation, act amended	977
Franklin County, law and equity court, compensation	609
Judicial circuits composed of one county and having not less than four nor more than nine judges, appointment and compensation	161
Judicial circuits composed of one county and having not less than four nor more than nine judges, appointment and compensation, act amended	514
Judicial circuits composed of one county and having not less than four nor more than nine judges, appointment and compensation of special court reporters	161
Sixth judicial circuit, compensation	85
Twenty-second judicial circuit, compensation	63

COURT, SUPREME

See: SUPREME COURT

COVINGTON COUNTY

Andalusia, city of, boundaries altered	231
Fine and forfeiture fund, payment of certain expenses from	54

CRAIG, GOVERNOR GEORGE N.

Joint resolution inviting to address joint session of the legislature	102
---	-----

CREDIT UNIONS

Laws relating to, administration of, transferred to state banking department	497
--	-----

CRENSHAW COUNTY

Sheriff, additional deputy authorized	130
---	-----

CRIMES AND OFFENSES

Alcoholic beverage revenue stamps, crowns, or lids, penalty for unlawful possession of	336
Children, indecent molestation of, defined, punishment for	932
Penalty for leaving, dumping, or throwing trash, debris, or rubbish on highways, code section amended	149

CRIMINAL CASES

Charge of the judge in, court reporter taking down, code section amended	178
--	-----

CRIMINAL INVESTIGATORS

Employees classified as, joint resolution directing the improvement of retirement benefits for	539
--	-----

CULLMAN, CITY OF

Boundaries altered	951, 1155
--------------------------	-----------

CULLMAN COUNTY

Circuit clerk, fees and salary, constitutional amendment.....	603, 627
Commission on education, act creating amended.....	224
Commission on education, created	45
County commission, created	37
County solicitor, additional duties and compensation.....	158
Cullman, city of, boundaries altered	951, 1155
Deputy circuit clerk, appointment, duties, and compensation.....	157
Industrial development of municipalities, constitutional amendment	397
Roads and bridges in, state highway department given jurisdiction over	37
Superintendent of county schools, act creating office of, amended	224
Superintendent of county schools, office created.....	45
Thirty-second judicial circuit, created.....	332

CUMBIE, PERRY

Montgomery County, relief of	362
------------------------------------	-----

CUNNINGHAM, MRS. E. O.

Joint resolution mourning death of.....	287
---	-----

DAIRIES

Joint resolution creating committee to study dairy industry.....	394
--	-----

DALE COUNTY

Governing body, compensation and expense allowance.....	697
Ozark, city of, boundaries altered	113

DALLAS COUNTY

Expenditure of funds for purposes not otherwise provided by law, act amended	396
Selma, city of, boundaries altered	333
Selma water works commission, act creating amended.....	225

DEBT

See: BONDS

DECATUR, CITY OF

Boundaries altered	683, 718
--------------------------	----------

DEKALB COUNTY

Board of education, election	971
Board of revenue, abolished	889
Collinsville, town of, boundaries altered.....	311
County commission, created	889
Reidentification of voters	1146

	Page
Sheriff, additional deputy authorized, act amended.....	341
Tax on gasoline and other motor fuels, levy authorized.....	97
DELAWARE	
Southern regional educational compact, joint resolution provid- ing for admittance into.....	257
DEMOPOLIS, CITY OF	
Boundaries altered	252
DENNY, DR. GEORGE H.	
Joint resolution mourning death of.....	173
DENTISTS	
Alabama dental association, appropriation.....	831
DENTON, N. C.	
Joint resolution mourning death of	33
DEPUTY SOLICITORS	
See: SOLICITOR, DEPUTY	
DIESEL FUEL	
Tax on, act levying amended	64
DOCKS BOARD, STATE	
See also: DOCKS DEPARTMENT, STATE	
Abolished	345
Appropriation	831
DOCKS DEPARTMENT, STATE	
Construction, operation of harbors and ports, jurisdiction of.....	887
Created	345
DOTHAN, CITY OF	
Parrish, C. J., Jr., relief of.....	297
DRAPER PRISON	
Joint resolution requesting state board of education to locate a trade school at	709
EDUCATION	
See also: EDUCATION, STATE DEPARTMENT OF; BOARDS OF EDUCATION; SUPERINTENDENTS OF EDUCATION; SCHOOLS; VOCATIONAL EDUCATION; TEACHERS; name of specific institution	
Ad valorem taxes for public school purposes, additional, consti- tutional amendment	753
Alabama educational television commission, appropriation.....	777
Alabama public schools corporation authorized to borrow money on behalf of certain institutions and agencies	1183
Appropriation, for contracting with Tuskegee Institute to teach certain courses to Alabama residents.....	629

	Page
Association of school board members recognized as an organization and representative agency of members of school boards.....	718
Attendance of pupils at school, adoption of rules and regulations governing, code sections repealed	492
Boards of education, local, assignment of pupils to schools.....	492
Bond for school building purposes, issuance authorized.....	1055
Bonds for school building purposes, issuance authorized, constitutional amendment	750
City schools, authorizing attendance of, by children residing without the city, code section repealed	492
Civilian rehabilitation, appropriation	777
Debt service, appropriation	778
Definition of word "city", code section amended.....	317
Education appropriation act	769
Elementary teachers' scholarship fund, appropriation.....	777
Free separate schools for white and colored children, required, code section repealed	492
Handicapped children, county and city boards of education authorized to provide education for.....	591
Illiteracy fund, appropriation	777
Interest on endowments, appropriation	815
Minimum program fund, appropriation	771
Placement or assignment of pupils to schools.....	492
Public school fund, appropriation	838
Regional education, appropriation	778
Revolving fund, appropriation	770
School tax, special, certain elections to levy validated.....	50
Southern regional education compact, joint resolution providing for the admittance of Delaware and West Virginia into.....	257
Special tax on incomes for educational purposes, levied	727
Special tax on incomes for educational purposes, levy authorized, constitutional amendment	541
Student aid in graduate and professional fields, appropriation.....	778
Teacher training equalization fund, appropriation	778
Teachers, retired, employment of.....	1097
Teachers' retirement system, appropriation.....	775
Teachers' retirement system, benefits and membership under, code sections amended	1101
Teachers' retirement system, creditable service under, code section amended	1206
Teachers' retirement system, method of financing and management of funds, code section amended.....	630
Teachers' retirement system, method of financing, code section amended	1136
Teachers' retirement system, retirement age and benefits, code section amended	90
Teachers' special pension fund, appropriation.....	775
Textbooks, free, appropriation	771
Trade schools, vocational, additional, provided for.....	940
Trade schools, vocational, appropriation.....	776
Vocational education, appropriation	778
 EDUCATION, STATE DEPARTMENT OF	
Appropriation	770
Blind persons, issuance of licenses to, for the operation of stands in certain public buildings	1200
Handicapped children, authorizing employment of personnel for education of	591

	Page
EDWARDS, BERNICE OWEN MCKINNEY	
Montgomery, city of, relief of	285
EGGS	
Sale of, act regulating, amended	1179
Sale of, regulated	152
EIGHTH JUDICIAL CIRCUIT	
Judges, expense allowance	1084
Solicitor's fund, created	710
EINSTEIN, DR. ALBERT	
Joint resolution mourning death of	205
ELECTIONS	
See also: BOARD OF REGISTRARS; PRIMARY ELECTIONS; REGISTRATION OF VOTERS; VOTERS; VOTING; VOTING MACHINES	
Counties 56,500 to 72,500 population, reidentification of voters	711
Counties 94,000 to 134,000 population, time of opening and clos- ing polls	316
DeKalb County, reidentification of voters	1146
Elmore County, reidentification of voters	433
Elmore County, voting machines authorized and required	435
Lauderdale County, reidentification of voters	226
Madison County, voting machines authorized and required	396
Mayors and aldermen, code section amended	930
Russell County, reidentification of voters	127
School tax, special, certain elections to levy validated	50
State to reimburse county for expenses incurred in conducting	406
Walker County, voters living within police jurisdiction of any city or town within authorized to vote at municipal elec- tions	1053
ELECTRIC PUBLIC UTILITIES	
Marion County, privilege license tax levied	170
Marion County, privilege license tax, act levying amended	475
Marion County, public corporation to acquire and operate hydro- electric project, creation authorized	465
Public corporation in each county to construct, operate hydro- electric power projects, creation of, authorized	1186
ELMORE COUNTY	
Clerk of inferior court authorized to issue search warrants under laws regulating sale or possession of intoxicating bever- ages	151
Fishing in public waters of, regulated	229
Probate judge, sheriff, tax assessor, tax collector, circuit clerk and register, constitutional amendment relating to compen- sation of	399
Probate judge, sheriff, tax assessor, tax collector and circuit clerk placed on salary	436
Reidentification of voters	433
Richardson, A. B., relief of	432
Voting machines, authorized and required	435

EMINENT DOMAIN

Counties 63,750 to 72,750 population, board of equalization to serve as commissioners in condemnation proceedings.....	1252
Public corporation to construct, operate irrigation projects, hydro-electric power projects, sell water and water rights, granted power of	1186
Rights of way for state roads, acquisition of	1230

EMPLOYEES' RETIREMENT SYSTEM

Act establishing amended	883
Creditable service, membership, and retirement benefits under, act amended	1085
Method of financing, participation by counties, cities, and public organizations, act amended	637

EMPLOYEES, STATE

See also: CIVIL SERVICE SYSTEMS; PERSONNEL; RETIREMENT SYSTEMS

Appropriation, social security	135
Appropriation, special pension fund	819
Joint resolution increasing compensation of officers and employees of legislature	110
Mileage and per diem expenses allowed, code section amended.....	356
Old-age and survivors insurance for, act amended.....	392
Retirement system, definitions under, act amended.....	883
Retirement system, membership, creditable service and retirement benefits under, act amended	1085
Retirement system, method of financing, participation by counties, cities and public organizations, act amended.....	637
Salaries, maximum amount of, code section amended.....	895

EMPLOYER

Action against involving dispute over payment of wages, joinder of all employees as plaintiffs in, authorized	362
Coverage of, under unemployment compensation law, period and termination of, code section amended.....	249
Definition of, under unemployment compensation law, code section amended	247
Election to come under unemployment compensation law, code section amended	249
Workmen's compensation law, employer's right to insure risks under, code section amended	870
Workmen's compensation law, medical, surgical and hospital service under, code section amended.....	853
Workmen's compensation, second injury trust fund created in connection with, act amended.....	866

ENGINEER, COUNTY

Marion County, act creating office of, amended.....	967
Sumter County, appointment, duties and compensation of county engineer, act amended	963

ENGINEERS AND LAND SURVEYORS, PROFESSIONAL, BOARD OF REGISTRATION FOR

Appropriation	840
---------------------	-----

ESCAMBIA COUNTY

Barbers, licensed and regulated	298
Commissioner of education, office created	48
Superintendent of education, office abolished	48

ESTATES

See also: **EXECUTORS AND ADMINISTRATORS: WILLS AND ADMINISTRATION**

Probate jurisdiction, certain persons in service of federal government deemed to be residents of Alabama for purposes of.....1196

ETOWAH COUNTY

Board of revenue, abolished	933
Board of revenue, created	933
Circuit court, chief clerk and assistant chief clerk, authorized	1045
Coroner, assistant authorized	690
County court, chief clerk authorized	1045
County court, compensation of judge	1003
Hospital board, created	686
Law library, public, establishment of	485
Prisoners in jail, feeding of, regulated	714
Sales and use taxes, levy authorized for hospital purposes	1046
Sheriff, uniforms for employees of, county authorized to purchase	354
Tax assessor, compensation	1003
Tax collector, compensation	1003

EUFAULA, CITY OF

Boundaries altered	220
--------------------------	-----

EVIDENCE

Depositions of witnesses or parties upon oral examination for discovery of or use as, taking of, provided for	901
Exceptions to rulings of courts made unnecessary, manner of requesting and objecting to	150

EXAMINERS OF PUBLIC ACCOUNTS, DEPARTMENT OF

Appropriation	803
Assistant chief examiner, compensation	896

EXECUTORS AND ADMINISTRATORS

See also: **ESTATES; WILLS AND ADMINISTRATION**

Probate jurisdiction, certain persons in service of federal government deemed to be residents of Alabama for purposes of.....1196

FAIRFIELD, CITY OF

Boundaries altered	982
--------------------------	-----

FAIRHOPE, CITY OF

Savings and loan associations, branch office in, authorized	385
---	-----

FARM MACHINERY

Tractors, refund of tax on gasoline used in, act amended	145
--	-----

FARM SAFETY WEEK, STATE

Joint resolution designating	215
------------------------------------	-----

	Page
FAYETTE COUNTY	
Municipalities in, powers of, constitutional amendment.....	547
Superintendent of education, compensation.....	231
FEES	
Sheriffs, code section amended	1243
Tax assessors, code section amended	1224
Tax collectors, code section amended	1230
FIFTEENTH JUDICIAL CIRCUIT	
Deputy solicitors, appointment, code section amended.....	148
FINANCE, STATE DEPARTMENT OF	
Appropriation	804
Appropriation, division of services	265
Appropriation, revolving fund for the mail and supply room.....	585
Director, member of public corporation created for purpose of constructing state office buildings.....	500
FINANCIAL INSTITUTIONS	
See also: BANKS AND BANKING	
Net operating losses to apply as a deduction against prior and future income, authorized.....	1232
FINES AND FORFEITURES	
Covington County, payment of certain expenses from.....	54
Jackson County, fine and forfeiture fund, created.....	1043
Marion County, distribution of fines and forfeitures in certain cases	120
Pike County, fine and forfeiture fund, abolished.....	382
Pike County, fine and forfeiture fund, regulated, act repealed.....	382
FINNELL, COL. WOOLSEY	
Joint resolution mourning death of.....	49
FIRE COLLEGE, STATE	
Created	898
FIRE MARSHALL TAX	
Fire insurance companies, code section repealed.....	193
FIREMEN	
Annual training school for, joint resolution providing for the appointment of a committee to visit	258
Cities 45,000 to 54,000 population, firemen's and policemen's pen- sion and relief fund, act creating amended	525
State fire college, created.....	898
FIREWORKS	
Sale, possession, and display of, regulated.....	926
FISHING	
See also: GAME AND FISH; CONSERVATION; CONSERVATION, STATE DEPARTMENT OF	

	Page
Commercial fishing gear, act regulating and licensing use of, amended	59
Electrical devices, committee created to correlate results of biological study relative to fishing with, joint resolution.....	515
Elmore County, regulated	229
Fishing licenses, code section amended.....	601
Gasoline used in commercial fishing boats, refund of tax on.....	145
Macon County, regulated	337
Randolph County, regulated	496
Tallapoosa County, regulated	229
Tarpon designated as official state salt water fish.....	1226
 FITE, FRED	
Joint resolution mourning death of.....	52
 FLORENCE, CITY OF	
Boundaries altered	373
 FLORENCE STATE TEACHERS COLLEGE	
Appropriation	775
 FOREST FIRE WARDENS	
Volunteer, appointment and compensation.....	886
 FORESTS	
Alabama forest products, state agencies directed to draw specifications so as to provide fair competitive position for.....	257
Forest fires, counties authorized to provide protection against.....	1208
Forest products severance tax, act levying amended.....	921, 1177
Interstate compacts for prevention and control of forest fires, authorized	917
Limestone County, authorized to provide protection against forest fires	444
 FORT MORGAN	
Joint resolution creating committee to ascertain extent of restoration of	111
Joint resolution creating the Fort Morgan committee.....	173
Joint resolution providing for appointment of subcommittee by chairman of Fort Morgan committee.....	251
 FORT MORGAN HISTORICAL COMMISSION	
Created	780
 FORT MORGAN HISTORICAL SOCIETY	
Appropriation	815
 FOURTH JUDICIAL CIRCUIT	
Solicitor's fund, created	761
 FOWLER, RAYMOND	
Joint resolution expressing appreciation to.....	1155
 FRANCHISE TAX	
Collection and distribution of, code sections amended.....	191
Rate of, code sections amended.....	191

FRANKLIN COUNTY

County governing body, expense allowance.....	355
Court reporter, law and equity court, compensation.....	609
Russellville, city of, election of mayor regulated.....	1151
Sales and use taxes, levied.....	522

GAME AND FISH

See also: CONSERVATION; CONSERVATION, STATE
DEPARTMENT OF; FISHING; HUNTING

Clarke County, nighttime hunting of raccoons and opossums, authorized	354
Commercial fishing gear, act regulating and licensing use of, amended	59
Electrical devices, committee created to correlate results of biological study relative to fishing with, joint resolution.....	515
Elmore County, fishing regulated	229
Fishing licenses, issuance of, code section amended	601
Gasoline used in commercial fishing boats, refund of tax on.....	145
Macon County, fishing regulated	337
Randolph County, fishing regulated	496
Tallapoosa County, fishing regulated	229
Tarpon designated as official state salt water fish.....	1226

GAS DISTRICTS

Acts and proceedings taken to incorporate, validate in certain cases	1221
Gas fixtures, pipes, appliances and equipment, authorization to promulgate rules and regulations governing installation, maintenance, and servicing of	880

GASOLINE TAX

Additional tax levied	73
DeKalb County, levy authorized	97
Farm tractors, refund on gasoline consumed in, act amended.....	145
Fishing boats, commercial, refund on gasoline consumed in.....	145
Mobile County, levied	892
Motor fuels, tax on, act amended.....	64
Rate and distribution of proceeds, code sections amended.....	73
Tuscaloosa County, act authorizing amended.....	615
Winston County, regulating the use of that portion of the state tax apportioned to	723

GENERAL APPROPRIATION ACT

Executive, legislative and judicial departments of the state.....	797
---	-----

GEOLOGIST, STATE

Appropriation	814
---------------------	-----

GIVHAN, SENATOR WALTER C.

Joint resolution commending	1206
-----------------------------------	------

GORGAS MEMORIAL BOARD

Appropriation	819
---------------------	-----

GOVERNOR

Appropriation	52, 798
---------------------	---------

	Page
Appropriation, expense of proclamations	819
Authorized to enter into contract with publishing company to replace volumes of the Code of Alabama 1940.....	293
Legal adviser, compensation	896
Press secretary, appointment and compensation.....	923
Press secretary, compensation	896
Salaries of state officers and employees not in the pay plan or fixed by law, code section amended.....	895
Secretary, compensation	896
Southern governor's conference, appropriation for payment of expenses of	357
 GRAYSVILLE, TOWN OF	
Boundaries altered	984
 GREENVILLE, CITY OF	
Governing body, election	699
 GRIFFIN, GOVERNOR MARVIN	
Joint resolution extending invitation to address legislature.....	361
 GROVE HILL ENDOWMENT	
Appropriation, interest on	816
 GULF STATES MARINE FISHERIES COMMISSION	
Joint resolution designating Senator Garet Van Antwerp to serve on	49
 GUNTERSVILLE, CITY OF	
Governing body empowered to authorize mayor to lease or sub- lease certain property	1042
 HABEAS CORPUS	
Appeals in cases of, code section amended.....	294
 HALE COUNTY	
Joint resolution expressing appreciation to legislative delegation of, for barbecue given members of the legislature.....	218
 HALL, JOHN HENRY	
Joint resolution mourning death of.....	1152
 HALL OF FAME BOARD	
Appropriation	820
 HARBORS	
Promotion, development provided for.....	887
 HAWKINS, REP. GEORGE C.	
Joint resolution extending congratulations on his being elected a fellow in the international academy of trial lawyers.....	1159
 HAYDEN-HARRIS HOUSE	
Joint resolution authorizing board of trustees of University of Alabama to designate cooperative dormitory for women as.....	56

HEALTH

See: HOSPITALS; PUBLIC HEALTH

HEALTH, COUNTY BOARD OF

Milk producers, processors, handlers, and distributors, issuance
of permits to 176

HEALTH DEPARTMENT, STATE

Appropriation805, 832

HEALTH, STATE BOARD OF

Milk, duties with respect to testing, inspecting, grading.....1239
Milk producers, processors, handlers, and distributors, issuance
of permits to 176

HIGHWAY BOARD

Winston County, abolished 327

HIGHWAY DEPARTMENT, STATE

Agricultural center, authorized to construct and maintain roads
on, act amended to include walkways and vehicular park-
ing areas1203
Appropriation 832
Cherokee County, to construct and maintain roads and bridges
in 606
Corporation to construct public roads and bridges, creation au-
thorized 66
Cullman County, roads and bridges in, to construct and repair..... 37
Lauderdale County, transportation for members of county gov-
erning body, regulated 229
Rights of way for state roads, acquisition of.....1230
Vehicles, oversize, director may issue special permit for move-
ment of over highways 916

HIGHWAY PATROL

See also: PUBLIC SAFETY, STATE DEPARTMENT OF

Joint resolution requesting assistance for ambulances and other
vehicles on emergency trips..... 172
Officers and members of, commended by legislature for their
cooperation and assistance in making inauguration day safe
and orderly 31
State department of public safety, act creating amended..... 263
State policemen, joint resolution directing the improvement of
retirement benefits for employees classified as..... 539

HIGHWAY PATROL FUND

Funds in, collection and distribution of, code section amended..... 260
Funds in, transfer of, to the state public highway and traffic
control fund, act amended..... 263
Lubricating oil, distribution of proceeds of tax on, code sec-
tion amended 259

HIGHWAYS

See also: HIGHWAY DEPARTMENT, STATE; ROADS AND
BRIDGES

	Page
Agricultural center, state highway department authorized to construct and maintain roads on, act amended to include walkways and vehicular parking areas	1203
Alabama turnpike authority, incorporation of	412
Corporation to construct public roads and bridges, creation of authorized	66
Counties 22,000 to 23,000 population, construction, repair and maintenance of roads and bridges on a county-wide basis	377
Counties 125,000 to 400,000 population, non-residents arrested for certain traffic violations may post cash sum with sheriff in lieu of appearance bond	178
Counties 400,000 or more population, incorporation of tunnel authorities for construction of vehicular tunnels, authorized	562
Joint resolution creating legislative committee to investigate the desirability of constructing toll roads in this state	64
Penalty for leaving, dumping, or throwing trash, debris, or rubbish on highways, code section amended	149
Rights of way for roads and bridges, acquisition of	1230
Vehicles, oversize, permits for movement over, authorized	916
HILL, SENATOR LISTER	
Joint resolution commending for introducing federal library services bill	159
HOGS	
Appropriation for control and prevention of diseases of	820
HOLCOMBE, WILLIAM H.	
Joint resolution mourning death of	166
HORSESHOE BEND, BATTLE OF	
Joint resolution memorializing congress to enact legislation creating military park at site of	389
HOSPITAL BOARD, COUNTY	
Counties 80,000 to 94,000 population, created	686
Counties 125,000 to 225,000 population, creation of, authorized	694
Counties 225,000 to 400,000 population, created	350
HOSPITALS	
Bonds for construction of, constitutional amendment authorizing issuance of	759
Counties 63,700 to 70,000 population, purchase of medical, surgical and hospital supplies exempt from system of competitive bidding	1051
Counties 80,000 to 94,000 population, hospital board created	686
Counties 80,000 to 94,000 population, sales and use tax, levy authorized for hospital purposes	1046
Counties 125,000 to 225,000 population, joint public charity hospital board, creation of, authorized	694
Counties 225,000 to 400,000 population, hospital board created	350
Counties 500,000 or more population, authorized to create public corporation for the purpose of constructing, operating, for tubercular patients	366
Lien in favor of, upon cause of action accruing to injured person to whom care and treatment is given	1098

	Page
Medical clinics, incorporation of board to acquire and operate in municipality, authorized	1160
Pickens County, additional taxes for support of, calling election to authorize	180
Public, constitutional amendment authorizing special taxes for purposes of	757
Public corporation for hospital purposes in any county, incorporation of, act amended	437, 87
Veterans hospital, at Tuscaloosa, joint resolution requesting Alabama congressional delegation to urge the United States Veterans Administration to continue treatment of women patients therein	95
HOTELS	
Privilege license tax levied on	586
HOUSE OF REPRESENTATIVES	
Clerk authorized to appoint electrical roll call operator and assistant clerk, joint resolution	725
Clerk relieved of responsibility for codes, supplements, and other books furnished to members of the legislature	1182
HOUSING AUTHORITIES	
Creation, obligations, and proceedings of, validated	1216
Rentals charged by, act limiting amount of, amended	1215
Slum areas, additional power and authority to eliminate or prevent the spread of	1210
HOUSING AUTHORITIES, COUNTY	
Creation, obligations, and proceedings of, validated	1216
Rentals charged by, act limiting amount of, amended	1215
HOUSING AUTHORITIES, MUNICIPAL	
Creation, obligations and proceedings of, validated	1216
Rentals charged by, act limiting amount of, amended	1215
HOUSTON COUNTY	
Dothan, city of, relief of C. J. Parrish, Jr.	297
Sheriff, office of, regulated, act amended	1152, 1157
HUBBARD, MRS. DAN	
Talladega County, relief of	530
HUDDLESTON, PATRICIA	
Joint resolution expressing congratulations upon her being chosen Miss Alabama	538
HUGHES, H. L.	
Marshall County, relief of	387
HUNTING	
See also: CONSERVATION; CONSERVATION, STATE DEPARTMENT OF; GAME AND FISH	
Clarke County, nighttime hunting of raccoons and opossums, authorized	354

HUNTSVILLE, CITY OF

Boundaries altered	715
Joint resolution extending felicitations to, on its sesquicentennial	1095

HURTSBORO, TOWN OF

Boundaries altered	296
--------------------------	-----

INAUGURATION DAY

Highway patrol, officers and members of, commended by legislature for their cooperation and assistance in making safe and orderly	31
Joint resolution expressing thanks to representatives of the press and to radio and television stations for coverage of the ceremonies and festivities	31
Joint resolution expressing thanks to the inaugural committee, all officers of the state, counties and cities, and especially to the Hon. Charles M. Pinkston and the Hon. Pleas Looney for the perfection of the inaugural parade and festivities of inauguration day	32
Montgomery, city of, officers and members of police and fire departments commended by legislature for their cooperation and assistance in making safe and orderly	31

INCOME TAX

Special tax on incomes for educational purposes, levied.....	727
Special tax on incomes for educational purposes, levy authorized, constitutional amendment	541
Time and methods of payment, code section amended.....	661
Time of filing return and paying, code sections amended.....	80
Withholding from wages, provided for.....	661

INDUSTRIAL DEVELOPMENT

Coffee County, municipalities in, constitutional amendment.....	486
Conecuh County, municipalities in, constitutional amendment.....	357
Cullman County, municipalities in, constitutional amendment.....	397
Lamar County, municipalities in, constitutional amendment.....	234
Marion County, constitutional amendment	748
Marion County, governing body authorized to employ an industrial development agent	115
State planning and industrial development board, appropriation...	806
State planning and industrial development board, created.....	765
Walker County, municipalities in, constitutional amendment.....	289

INDUSTRIAL RELATIONS

See also: INDUSTRIAL RELATIONS, DEPARTMENT OF; LABOR AND LABOR UNIONS; UNEMPLOYMENT COMPENSATION; WORKMEN'S COMPENSATION	
Action against employer involving dispute over payment of wages, joinder of all employees as plaintiffs in, authorized	362
Unemployment compensation, benefit eligibility, conditions for, code section amended	852
Unemployment compensation, definition of "benefit year", code section amended	851
Unemployment compensation, definition of "employer", code section amended	247

	Page
Unemployment compensation, disqualification for, code section amended	875
Unemployment compensation, employer's coverage, period and termination, code section amended	249
Unemployment compensation, employer's election to come under, code section amended	249
Unemployment compensation, experience rating, code section amended	238
Unemployment compensation, weekly benefit amount, code section amended	848
Workmen's compensation, death compensation, code section amended	864
Workmen's compensation, employer's right to insure risks, code section amended	870
Workmen's compensation, limitations on compensation, code section amended	874
Workmen's compensation, medical, surgical and hospital service, code section amended	853
Workmen's compensation, order in which total dependents take compensation, code section amended	849
Workmen's compensation, schedule of compensation, code section amended	855
Workmen's compensation, second injury trust fund created in connection with, act amended	866
Workmen's compensation, waiting period in temporary disability claims, code section amended	850
INDUSTRIAL RELATIONS, DEPARTMENT OF	
Appropriation	807, 832
Appropriation, additional	516
INFANTS	
Indecent molestation of, defined, punishment prescribed for	932
INFERIOR COURT	
Clarke County, criminal cases in, manner of registering and paying claims for witness fees	958
Elmore County, clerk authorized to issue search warrants under laws regulating sale or possession of intoxicating beverages ..	151
Issuance of search warrant by judge under law regulating sale of alcoholic beverages, code section amended	151
Jefferson County, city of Leeds, inferior court abolished	981
Lawrence County, jurisdiction of juvenile court withdrawn from	238
Mobile County, additional civil jurisdiction conferred upon	124
Mobile County, inferior criminal court, chief assistant to clerk of, authorized	383
Mobile County, inferior criminal court, clerk, compensation, act amended	384
INJUNCTIONS	
Three-judge special court to determine applications for restraining enforcement, execution, of order of public service commission	1185
INSANE PERSONS	
Legislative committee created to study workability of an act requiring relatives to support persons in state mental institutions	112

Legislative committee created to study workability of an act requiring relatives to support persons in state mental insti- tutions	Page 1093
INSURANCE	
Fees, taxes, and fire marshal taxes, fire insurance companies and reciprocal exchanges, code sections repealed.....	193
Foreign and domestic insurance companies, rate of premium tax on, act amended	193
Foreign insurance companies, credits and deductions based upon investment of assets in Alabama	193
Insurance companies, definition of	193
Policies or contracts of, venue in actions on.....	886
INSURANCE FUND, STATE	
Appropriation	833
INSURANCE, STATE DEPARTMENT OF	
Appropriation	807
Director, compensation	896
INTERSTATE COMPACTS	
Civil defense, mutual aid agreements ratified.....	267
Forest fires, for prevention and control of, authorized.....	917
Southern regional education compact, joint resolution relative to admittance of Delaware and West Virginia into	257
IRRIGATION	
Marion County, public corporation to acquire and operate irri- gation projects, creation authorized	465
Public corporation in each county to construct, operate irriga- tion projects, creation of, authorized	1186
JACKSON COUNTY	
Board of revenue, election, compensation.....	1040
Fine and forfeiture fund, created	1043
Scottsboro, city of, election of city council.....	617
Sheriffs, deputies, appointment and compensation.....	1039
Sheriff, expense allowance	1039
JACKSON, GENERAL STONEWALL	
Joint resolution endorsing placement of bust of, in New York University hall of fame	110
Stonewall Jackson memorial fund, established	1176
JACKSONVILLE STATE TEACHERS COLLEGE	
Appropriation	775
JARMAN, PETERSON B.	
Joint resolution mourning death of.....	89
JEFFERSON COUNTY	
Beer tax, act levying amended.....	1279
Birmingham, city of, authorized to amend, supplement, or repeal zoning regulations	691
Birmingham, city of, boundaries altered.....	1059, 1061, 1064

	Page
Birmingham, city of, certain part of Powell Avenue closed for public street purposes	443
Birmingham, city of, commissioners, election	993
Birmingham, city of, commissioners, salary	992
Birmingham, city of, election to authorize change in form of government	980
Birmingham, city of, mayor-council form of government for, election to vote on	1004
Birmingham, city of, retirement and relief system, act amended	478, 979
Birmingham, city of, retirement and relief system provided for certain employees of	1067
Birmingham, city of, time of meetings of governing body, regulated	342
Birmingham, city of, zoning of territory annexed to, regulated	691
Board of zoning adjustment, duties and functions, act amended	692
Brewer, Evelyn Louise, relief of	618
Building commissioner, appointment of, act amended	692
Circuit clerk, salary	975
Circuit judge, filling vacancies in office of, constitutional amendment	546
Circuit solicitor, supplemental salary	719
County officers on salary basis required to pay fees, costs and commissions into county treasury	989
Deputy circuit solicitors, compensation	975, 988, 1092
Fairfield, city of, boundaries altered	982
Governing body, duties and functions, act amended	692
Governing body, president and members, salary	990
Graysville, town of, boundaries altered	984
Incorporation of tunnel authorities for construction of vehicular tunnels, authorized	562
Judge of any court where such judge is elected by the circuit judges of the county, compensation	1002
Juries and alternate jurors in criminal and quasi-criminal cases in circuit courts in, impaneling and calling of	313, 166
Jurors, alternate, impaneling of, in certain civil cases	1248
Juvenile and domestic relations court, judge, salary	991
Kimberly, town of, boundaries altered	1078
Leeds, inferior court of, abolished	981
Mountain Brook, city of, boundaries altered	534, 923
Parks, fairgrounds and other such facilities, authorized to appropriate funds to public corporation operating	685
Planning commission, duties and functions, act amended	692
Plumbers examining board, act creating amended	911
Service of certain notices, subpoenas, citations and other writings by certified mail, authorized	956
Sewer systems, authorized to issue general obligation bonds or certificates of indebtedness for construction, enlargement of	610
Sheriff, salary	1001
Tax assessor, salary	992
Tax collector, salary	992
Treasurer, salary	999
Tubercular hospitals or clinics, authorized to create public corporation for the purpose of constructing, operating	366
Vestavia Hills, town of, boundaries altered	1145
Webb, Margaret, relief of	407
Zone maps, adoption of, by county governing body, regulated	955
Zoning of territory annexed to cities or towns less than 250,000 population, regulated	698

JENKINS, SIM

Lawrence County, relief of	250
----------------------------------	-----

JIM WOODRUFF LOCK AND DAM

Joint resolution requesting congress to provide monies to continue construction of	216
--	-----

JOHNSON, JOHN THOMAS

Joint resolution mourning death of	709
--	-----

JOINT RESOLUTIONS

Acts and journals of the first three 1955 special sessions and the 1955 regular session, printing and binding of	1182, 207
Acts and journals of the first three 1955 special sessions of the legislature, printing and binding of	110
Agricultural products, congress memorialized to enact legislation guaranteeing price supports	214
Alabama-Coosa Rivers, federal government requested to proceed with improvements along	139
Ambulances and other vehicles on emergency trips, highway patrol and chiefs of police requested to assist	172
Arnette, Delores, congratulated on being named "All-American Homemaker of Tomorrow"	405
Attorney general, chief and assistant chief of legislative division, privileges of floor extended to	37
Bagley, Howard L., mourning death of	219
Bagley, Tom T., mourning death of	193
Battle of Horseshoe Bend, congress memorialized to enact legislation creating military park at site of	389
Brown Printing Company, extending thanks to	1183
Carr, Robert Bryan, mourning death of	214
Clio telephone company, joint committee created to investigate	403
Clio telephone company, joint committee directed to continue investigation of	1004
Congress memorialized to enact legislation limiting the appellate jurisdiction of the United States Supreme Court and the jurisdiction of other federal courts	82
Congress memorialized to enact legislation providing assistance for physically handicapped children between sixteen and eighteen years of age	599
Congress requested to provide a floating weather station in the Gulf of Mexico	160
Craig, Governor George N., invited to address joint session of the legislature	102
Cunningham, Mrs. E. O., mourning death of	287
Dairy industry, committee created to study	394
Denny, Dr. George H., mourning death of	173
Denton, N. C., mourning death of	33
Designating House Bill 4 as the Bagley-Albea Bill	94
Designating House Bill 5 as the Davis-Allen Bill	50
Designating House Bill 6 as the Davis-Allen Bill	50
Designating House Bill 16 as the Allen and Davis Bill	345
Designating House Bill 17 (First Special Session) as the Callahan, degraffenried, Skidmore, Martin, Ramey, Richardson, Jenkins, Ashworth, Speaks, Gist, Harvey, Money, Ferrell, Johnson (Elmore), McClendon, Hunt, Law, McKay, Payne, Steagall, Gregory, Johnson (Tallapoosa), Adams, Locke (Choctaw, Locke (Perry), Edwards (Escambia), Shumate,	

	Page
Selman, Hare, Albea, DeSear, Branyon, Burkhalter, Bagley, Oden, Lackey, Edwards (Jefferson), Pruitt, Fite, Nolen, Boyd, Nettles, Bassett, Holliman, Dickson, Killough, Taylor, Windle, Pirkle, Harrison, Hodges, Cox, Mathews, Ward, Grouby, Cornett, Franklin and Meeks Bill	83
Designating House Bill 17 (Regular Session) as the Kelly - Davis - Adams - Albea - Ashworth - Bassett - Branyon - Brassell - Brewer - Broadfoot - Brooks - Brown (Lamar) - Burkhalter - Calahan - Cox - Dawkins - deGraffenried - Dement - Edwards (Escambia) - Faulk - Ferrell - Fite - Gist - Grouby - Hall - Hanby - Hare - Harrison - Hodges - Holliman - Huddleston - Hunt - Jenkins - Johnson (Elmore) - Johnson (Tallapoosa) - Lackey - Law - Lee (Barbour) - Lee (Lawrence) - Love - McClendon - McKay - McNider - Martin - Mathews - Mathison - Meeks - Money - Murphy - Oden - Payne - Pirkle - Ramey - Reynolds - Roberts - Shumate - Simon - Solomon - Speaks - Steagall - Stembridge - Stokes - Taylor - Thomas - Tyson - Vacca - Ward - Windle - Allen - Cantrell - Dyar - Eddins - Flowers - Goodwyn - Grisham - Lamberth - Leonard - Little - Metcalf - Newton - Reeves - Roberts - Shelton - Smith - Van Antwerp and Vann Bill	1159
Designating House Bill 41 as the Smith-Cornett and Bassett Bill	101
Designating House Bills 46 and 47 as the Newton - Selman and Shumate Bills	102
Designating House Bill 85 as the Harrison-Fite and Skidmore Bill	1098
Designating House Bill 169 as the Newton-Selman and Shumate Bill	297
Designating House Bill 177 as the Davis and Lamberth Bill	339
Designating House Bill 296 as the Engelhardt - Boutwell - Richardson - Martin and Ramey Bill	559
Designating House Bill 584 as the Harrison and Goodwin Bill	1202
Designating House Bill 676 as the Harrison - Reeves - Dement - Locke (Choctaw) - Lee (Barbour) - Ramey - McLendon (Bullock) - Ward - Brown (Lee) - Thomas - Brannan - Brassell and Johnson (Tallapoosa) Bill	1224
Designating Senate Bill 3 as the Yarbrough (Randolph) - Sumnerlin Bill	56
Designating Senate Bill 12 as the Givhan - Cooper - Davis (Lowndes) - Hall - Brooks - Law - Solomon - Pirkle - Hardy - Hain - Molette - Goodwyn (Montgomery) - Dawkins and Dickson Bill	200
Designating Senate Bill 16 as the Flowers - Stembridge Bill	89
Designating Senate Bill 17 as the Robinson - Nolen - Dawkins - Hall - and Goodwyn Bill	343
Designating Senate Bill 21 as the Newton - Shumate and Selman Bill	1098
Designating Senate Bill 22 as the Newton - Shumate and Selman Bill	1151
Designating Senate Bill 95 as the Vann and Harrison Bill	540
Designating Senate Bills 101 and 102 as the Robison - Nolen - Dawkins - Hall and Goodwyn Bills	288
Designating Senate Bills 155 and 174 as the Robison - Hall - Goodwyn - Nolen and Dawkins Bills	496
Draper prison, state board of education requested to locate a trade school at	709
Einstein, Dr. Albert, mourning death of	205
Farmers whose crops were damaged by cold weather, federal authorities requested to give aid to	160

	Page
Finnell, Col. Woolsey, mourning death of	49
Firemen, annual training school for, appointment of committee to visit	258
Fishing with electrical devices, joint committee created to correlate results of biological study relative to	515
Fite, Fred, mourning death of	52
Football game between Auburn and Alabama, urging televising of	1094
Forest products, Alabama, state agencies directed to draw specifications so as to provide fair competitive position for	257
Fort Morgan committee, appointment of subcommittee	251
Fort Morgan committee, created	173
Fort Morgan, committee created to ascertain extent of restoration of	111
Fowler, Raymond, secretary-treasurer of the retirement systems, expressing appreciation to	1155
Georgia-Alabama, committee appointed to work out a more equitable boundary line between	339
Givhan, Senator Walter C., Commended	1206
Griffin, Governor Marvin, invited to address legislature	361
Gulf States Marine Fisheries Commission, Senator Garet Van Antwerp designated to serve on	49
Hale County delegation, expressing appreciation to, for barbecue given legislature	218
Hall, John Henry, mourning death of	1152
Hawkins, Rep. George C., congratulated on being elected a fellow in the international academy of trial lawyers	1159
"Hayden-Harris House", board of trustees of University of Alabama authorized to designate cooperative dormitory for women as	56
Hill, Senator Lister, commended for introducing the federal library services bill	159
Holcombe, William H., mourning death of	166
Huddleston, Patricia, congratulations extended upon her being chosen Miss Alabama	538
Huntsville, city of, extending felicitations to, on its sesquicentennial	1095
Interstate barriers, legislature refuses to consider any further legislation erecting	540
Jackson, General Stonewall, endorsing placement of bust of, in the New York University hall of fame	110
Jarman, Peterson B., mourning death of	89
Jim Woodruff lock and dam, requesting congress to provide monies to continue construction of	216
Johnson, John Thomas, mourning death of	709
Jones, W. Amos, mourning death of	34
Jordan, James V., expressing appreciation to	1182
Judiciary advisory council, established	390
Kenamer, Charles Brents, mourning death of	285
Legislative reference service, expressing appreciation to staff of	1154
Legislature, clerk of house authorized to appoint electrical roll call operator and assistant clerk	725
Legislature commends and expresses thanks to the inaugural committee and all officers of the state, counties and cities, and especially to the Hon. Charles M. Pinkston and the Hon. Pleas Looney, for the perfection of the inaugural parade and the festivities of inauguration day	32
Legislature commends and expresses thanks to the officers and members of the highway patrol and the police and fire departments of the city of Montgomery for their cooperation	

	Page
and assistance in making inauguration day safe and orderly	31
Legislature commends and thanks representatives of the press, radio, and television of Alabama, and especially WCOV-TV, WABT-TV, WALA-TV, WSFA-TV and WBRC-TV, for the coverage of the ceremonies and festivities of inauguration day	31
Legislature, compensation of certain employees	381, 110
Legislature, expense allowance for members	23
Legislature, lieutenant governor and speaker of house authorized to appoint additional clerks, pages, and messengers	23
Legislature, secretary of senate, clerk of house, and doorkeepers of senate and house relieved of responsibility for the codes, supplements, and other books furnished to members of	1182
Leonard, Senator G. Kyser, mourning death of mother of	32
Maury A. McWilliams power plant, congratulating rural people of south Alabama on the dedication of	345
Mentally ill persons in state institutions, committee created to investigate act requiring support and maintenance of	112
Mentally ill persons in state institutions, committee to investigate act requiring support and maintenance of, continued	1093
Merrill, Hugh D., mourning death of	52
Milk vending machines in the rotunda of the capitol and in all state office buildings, installation of, recommended	388
Montgomery, city of, expressing appreciation to the governing body, officers and employees, civic organizations and citizens of	1154
Montgomery, city of, state board of education requested to locate vocational trade school in	725
Newton, Herbert E. (Pug), mourning death of	218
Oil resources, committee created to study activities being carried on in the exploration and production of	726
Patterson, Albert L., legislature unites in honoring the courage, character, integrity, and honorable motives of	32
Peterson, Val, federal civil defense administrator, invited to address legislature	288
Phenix City, All-America Cities jury requested to give consideration to the selection of, as an All-America Cities award winner	404
Pollution of public waters, committee created to study problems of	1206
"Robert E. Tidwell Hall", board of trustees of University of Alabama authorized to designate building used as the Birmingham University Center as	57
Selective service records of world war II, appointment of committee to consider retention of	255
Sentell, James Oscar, mourning death of	89
Shelton, J. P., mourning death of	34
Southern regional education compact, admittance of Delaware and West Virginia into	257
State agencies and local governments requested to make studies relative to reducing operating expenditures	174
State farm safety week, governor requested to proclaim	215
State policemen, directing the improvement of retirement benefits for employees classified as	539
Swann, Theodore, mourning death of	58
Talmadge, Herman, former governor of Georgia, invited to address joint session of legislature	138

	Page
Tariff on imported textile goods, Alabama congressional delegation requested to oppose any attempt to reduce	36
Tax laws, state, commissioner of revenue requested to study ways of preventing evasion of	200
Tax study committee created to study revenue laws of the state	521
Taylor, Harry Oliver, mourning death of	219
Textile industry, requesting Alabama congressional delegation to oppose any attempt to lower tariff on imported textile goods	36
Toll roads, committee created to investigate the desirability of constructing	64
Trade school, at Tuscaloosa, designated as "The J. P. Shelton Trade School"	35
United telephone and telegraph company, joint committee created to investigate	403
United telephone and telegraph company, joint committee directed to continue investigation of	1004
Utley, Mrs. W. D., grandmother of wife of Governor Folsom, mourning death of	52
Van Antwerp, Senator Garet, designated to serve on the Gulf States Marine Fisheries Commission	49
Veterans Hospital, at Tuscaloosa, Alabama congressional delegation requested to urge the United States Veterans Administration to continue treatment of women patients therein	95
Wheeler, General Joseph, U. S. postmaster-general requested to issue a commemorative stamp in honor of memory of	35
Women's Army Corps Day, May 14, 1955, recognized as	217
JONES, CHARLIE	
Tuscaloosa County, relief of	58
JONES, W. AMOS	
Joint resolution mourning death of	34
JORDAN, JAMES V.	
Joint resolution expressing appreciation to	1182
JUDGE, CIRCUIT	
See also: JUDICIAL CIRCUITS; CIRCUIT COURT; specific judicial circuit	
Appropriations	799
Charge of, in civil and criminal cases, court reporter taking down, code section amended	178
Circuits composed of one county and having not less than four nor more than nine judges, compensation	232
Eighth judicial circuit, expense allowance	1084
Jefferson County, filling vacancies in office of, constitutional amendment	546
Supernumerary judges, appropriation for salaries	800
Thirtieth judicial circuit, compensation	380, 954
Thirty-second judicial circuit, office created	332
Twelfth judicial circuit, compensation	380, 954
Twenty-fifth judicial circuit, compensation	380, 954
Twenty-third judicial circuit, additional judgeship, created	796
JUDGE OF PROBATE	
Cherokee County, supplies, clerical assistance, act amended	364

	Page
Counties 63,750 to 72,750 population, appointment of board of equalization to serve as commissioners in condemnation proceedings	1252
Counties 200,000 to 500,000 population, qualifications for holding office	380
Elmore County, compensation, constitutional amendment	399
Elmore County, placed on salary	436
Limestone County, act providing clerical assistance amended	306
Mobile County, authorized to divide office into divisions	335
Mobile County, salary	234
Morgan County, compensation, clerical assistance, act amended	1170
Official bond, a lien on property of, code section repealed	929
Russell County, compensation of chief clerk	1080
Tuscaloosa County, compensation, act amended	131

JUDGES, SUPERNUMERARY

Appropriation	800
Circuits composed of one county and having not less than four nor more than nine judges, compensation	165
Election of judges to become, act amended	627
Election of judges to become supreme court supernumerary justices, code section amended	626

JUDICIAL CIRCUITS

See also: CIRCUIT COURT; specific circuit

Circuits composed of one county and having not less than four nor more than nine judges, appointment and compensation of court reporters	161
Circuits composed of one county and having not less than four nor more than nine judges, appointment and compensation of court reporters, act amended	514
Circuits composed of one county and having not less than four nor more than nine judges, appointment and compensation of special court reporters	161
Circuits composed of one county and having not less than four nor more than nine judges, compensation of judges	232
Circuits composed of one county and having not less than four nor more than nine judges, compensation of solicitor	515
Circuits composed of one county and having not less than four nor more than nine judges, compensation of supernumerary judges	165
Circuit solicitors and deputy solicitors, appropriation for office equipment, supplies and telephone service	317
Eighth judicial circuit, judge, expense allowance	1084
Eighth judicial circuit, solicitor's fund, created	710
Fifteenth judicial circuit, deputy solicitors, appointment, code section amended	148
Fourth judicial circuit, solicitor's fund, created	761
Nineteenth judicial circuit, circuit solicitor, appointment of secretary authorized	132
Sixteenth judicial circuit, deputy circuit solicitors, appointment and compensation	94
Sixth judicial circuit, bailiffs, appointment, tenure and compensation	96
Sixth judicial circuit, circuit solicitor, authority to employ stenographic secretary	83
Sixth judicial circuit, court reporters, salary and fees	85
Sixth judicial circuit, deputy circuit solicitor, compensation	86

	Page
Sixth judicial circuit, solicitor's fund, created	649
Sixth judicial circuit, solicitor, secretary to, compensation	756
Tenth judicial circuit, assistant deputy circuit solicitor, compensation	988
Tenth judicial circuit, deputy circuit clerk of the Bessemer division, salary	1002
Tenth judicial circuit, deputy circuit solicitor, compensation	988, 975
Tenth judicial circuit, fourth, fifth and sixth deputy circuit solicitors, compensation	1092, 975
Tenth judicial circuit, register, salary	979
Tenth judicial circuit, solicitor, supplemental salary	719
Thirteenth judicial circuit, circuit solicitor, position of administrative assistant and legal stenographer to, created	124
Thirteenth judicial circuit, deputy circuit solicitors, appointment, code section amended	44
Thirteenth judicial circuit, solicitor's fund created	344
Thirtieth judicial circuit, judges, compensation	380, 954
Thirty-second judicial circuit, created	332
Twelfth judicial circuit, deputy circuit solicitor, clerk authorized	393
Twelfth judicial circuit, judges, compensation	380, 954
Twenty-fifth judicial circuit, judges, compensation	380, 954
Twenty-second judicial circuit, court reporter, compensation	63
Twenty-third judicial circuit, additional judgeship, created	796
Twenty-third judicial circuit, deputy circuit solicitor, office created	1084

JUDICIAL PROCEDURE

Appeals from recorder's court, code section amended	900
Appeals in habeas corpus cases, code section amended	294
Charge of the judge in civil and criminal cases, court reporter taking down, code section amended	178
Counties 400,000 or more population, calling and impaneling of alternate jurors in certain cases, authorized	166
Depositions of witnesses or parties upon oral examination for discovery of or use as evidence, taking of	901
Exceptions to rulings of the court made unnecessary, manner of requesting and objecting to such rulings	150
Joint resolution directing judiciary advisory council and commission for judicial reform to make a study of	390
Probation and suspension of execution of sentence, code section amended	1093
Three-judge special court to hear, determine application for injunctions restraining enforcement, execution, of orders of public service commission	1185

JUDICIARY ADVISORY COUNCIL

Joint resolution establishing	390
-------------------------------------	-----

JURIES

Challenges of jurors for cause, code section amended	605
Counties 63,500 to 72,500 population, members of jury commissions, compensation	619
Counties 400,000 or more population, calling and impaneling of alternate jurors in certain cases, authorized	166, 313, 1248
Counties 400,000 or more population, impaneling of, regulated	166, 313, 1248
Grand jury, appointment of foreman	1253
Jury commissions, compensation of clerks, code section amended	1175
Talladega County, method of serving notice upon jurors	1081

	Page
Talladega County, preparation of jury rolls and filling and re-filling of jury boxes, regulated	1081
JURORS	
Challenges of, for cause, code section amended	605
Counties 400,000 or more population, calling and impaneling of alternate jurors for trials in certain cases, authorized	166, 313, 1248
Counties 400,000 or more population, impaneling of, regulated	166, 313, 1248
Grand jury, appointment of foreman	1253
Talladega County, method of serving notice upon	1081
Talladega County, preparation of jury rolls and filling and re-filling of jury boxes, regulated	1081
JURY COMMISSIONS	
Clerks, compensation, code section amended	1175
Counties 63,500 to 72,500 population, compensation of members	619
JUSTICES OF PEACE	
Issuance of search warrants under law regulating sale of alcoholic beverages, code section amended	151
Marshall County, misdemeanor criminal cases tried, required to report to the circuit clerk	1050
Marshall County, act transferring criminal jurisdiction of, to county court, repealed	786
Mobile County, jurisdiction limited	121
JUVENILE AND DOMESTIC RELATIONS COURT	
Clerk of, appointment and compensation in certain counties	1166
Counties 94,000 to 134,000 population, governing body authorized to appoint probation officers to work with courts having juvenile jurisdiction	172
Counties 400,000 or more population, judge, salary	991
Lawrence County, juvenile court jurisdiction withdrawn from county inferior court	238
KENNAMER, CHARLES BRENTS	
Joint resolution mourning death of	285
KIMBERLY, TOWN OF	
Boundaries altered	1078
LABOR AND LABOR UNIONS	
Action against employer involving dispute over payment of wages, joinder of all employees as plaintiffs in, authorized	362
Unemployment compensation, benefit eligibility, conditions for, code section amended	852
Unemployment compensation, definition of "benefit year", code section amended	851
Unemployment compensation, definition of "employer", code section amended	247
Unemployment compensation, disqualification for, code section amended	875
Unemployment compensation, employer's election to come under, code section amended	249

	Page
Unemployment compensation, experience rating, code section amended	238
Unemployment compensation, period and termination of employer's coverage, code section amended	249
Unemployment compensation, weekly benefit amount, code sections amended	848
Wilcox County, solicitation of membership in labor unions, regulated	548
Workmen's compensation, death compensation, code section amended	864
Workmen's compensation, employer's right to insure risks, code section amended	870
Workmen's compensation, limitations on compensation, code section amended	874
Workmen's compensation, medical, surgical and hospital services, code section amended	853
Workmen's compensation, order in which total dependents take compensation, code section amended	849
Workmen's compensation, schedule of compensation, code section amended	855
Workmen's compensation, section injury trust fund created in connection with, act amended	866
Workmen's compensation, waiting period in temporary disability claims, code section amended	850
 LABOR, STATE DEPARTMENT OF	
Appropriation	807
Director, compensation	896
 LAGRANGE HISTORICAL COMMISSION	
Appropriation	820
 LAMAR COUNTY	
Board of education, meetings regulated	939
Deputy solicitor, salary	939
Governing body, powers and authority, constitutional amendment	756
Industrial development of municipalities, constitutional amendment	234
 LAUDERDALE COUNTY	
Board of revenue, abolished	61
Court of county commissioners, re-established	61
Deputy register, salary	957
Florence, city of, boundaries altered	373
Reidentification of voters	226
Sheriff, chief deputy, compensation	957
Transportation for members of county governing body, regulated	229
 LAW AND EQUITY COURT	
Chilton County, abolished	941
Colbert County, solicitor, office space and telephone service	967
Franklin County, court reporter, compensation	609
Winston County, established	553
 LAW LIBRARY	
Etowah County, establishment of	485

	Page
LAWRENCE COUNTY	
Board of revenue, abolished	517
Branch banks, authorized	381
County inferior court, jurisdiction of juvenile court withdrawn from	238
Court of county commissioners, created	517
Deputy clerk to the circuit clerk, appointment and compensa- tion, act amended	1041
Jenkins, Sim, relief of	250
Parker, William, relief of	250
Purchasing, regulated	517
School districts and taxes, special, authorized, constitutional amendment	489
Sinclair Refining Company, relief of	702
Superintendent of education, election	684
LEE COUNTY	
Ad valorem tax for school purposes, constitutional amend- ment	550
Auburn, city of, ad valorem tax for school purposes, constitu- tional amendment	544
Circuit clerk, clerical assistance, act amended	287
Opelika, city of, ad valorem tax for school purposes, constitu- tional amendment	544
LEEDS, CITY OF	
Inferior court of, abolished	981
LEGAL-AID OFFICES	
Code and pocket supplements, secretary of state authorized to issue to	85
LEGAL-AID SOCIETIES	
Code and pocket supplements, secretary of state authorized to issue to	85
LEGAL NOTICES	
See: NOTICES; PUBLICATION	
LEGISLATIVE REFERENCE SERVICE	
Appropriation	808
Director of, compensation	179, 896
Joint resolution expressing appreciation to staff of	1154
LEGISLATURE	
See also: ACTS OF ALABAMA; HOUSE OF REPRESENTATIVES; JOINT RESOLUTIONS; SENATE	
Appropriation	205, 395, 798
Clerk of house authorized to appoint electrical roll call operator and assistant clerk, joint resolution	725
Clerk of house relieved of responsibility for codes, supplements, and other books furnished to members of	1182
Committee created to investigate the Clio telephone company and the united telephone and telegraph company, joint reso- lution	403
Committee created to study activities being carried on in the exploration and production of oil resources, joint resolution	726

	Page
Committee created to study problems of pollution of public waters, joint resolution	1206
Committee created to study workability of an act requiring relatives to support persons in state mental institutions	112
Committee, designated as judiciary advisory council, created to study judicial practice and procedure	390
Committee directed to continue investigation of act requiring relatives to support mentally ill persons, joint resolution	1093
Committee directed to continue investigation of the Clio telephone company and the united telephone and telegraph company, joint resolution	1004
Fort Morgan committee, created	173
Fort Morgan, committee created to ascertain extent of restoration of	111
Interstate trade barriers, joint resolution refusing to consider any further legislation erecting	540
Lieutenant governor and speaker of house authorized to appoint additional clerks, pages, and messengers	23
Members, expense allowance	23
Officers and employees, compensation	110, 381
Privilege of floor extended to attorney general, chief and assistant chief of legislative division	37
Secretary of senate relieved of responsibility for codes, supplements, and other books furnished to members of	1182
Toll roads committee created to investigate desirability of constructing	64

LEONARD, SENATOR G. KYSER

Joint resolution mourning death of mother of	32
--	----

LIBRARIES

Etowah County, public law library, establishment of	485
Joint resolution commending Senator Lister Hill for introducing the federal library service bill	159
Public libraries service division, appropriation	803

LICENSES

Air-conditioning plants and equipment, code section amended	184
Appropriation, printing of	820
Coal mines, code section repealed	926
Cold storage plants, packing houses, and refrigerated warehouses, code section amended	317
Escambia County, barbers	298
Hotels, motels, tourist courts	586
Marion County, chewing gum, candies and snack-bar items, calling election to authorize imposition of	408
Marion County, electric public utilities	170
Marion County, electric public utilities, act amended	475
Pickens County, calling election to authorize levy of	180
State and county, distribution of proceeds of	1248
Trading stamps, sellers of, code section amended	938

LIENS

County officers, official bond a lien on property of, code section repealed	929
Hospitals, in favor of, upon cause of action accruing to injured person to whom care and treatment is given	1098

LIMESTONE COUNTY

Ad valorem tax, additional, constitutional amendment.....	544
Athens, city of, boundaries altered	965, 966, 969, 970
Athens, city of, election of governing body	952
Board of education, election and term	451
Board of revenue, election	454
Circuit clerk, election, term, compensation, act amended.....	314
Coroner, compensation	444
Fire protection, governing body authorized to provide	452
Forest fires, additional taxes to provide protection against, constitutional amendment	400
Forest fires, governing body to provide protection against	444
Probate judge, clerical assistance, act amended	306
Sales and use taxes, calling election to authorize	446
Sheriff and deputies, compensation, act amended	305
Tax assessor, clerical assistance, act amended	306
Tax collector, clerical assistance, act amended	307

LIQUIFIED PETROLEUM GAS COMMISSION

Appropriation	834
---------------------	-----

LIQUOR

See: ALCOHOLIC BEVERAGES

LIVESTOCK

See also: Name of specific animal	
Bang's disease, appropriation for control of	820
Hogs, appropriation for prevention and control of diseases of.....	820

LIVINGSTON STATE TEACHERS COLLEGE

Appropriation	776
---------------------	-----

LOAN COMPANIES

See: BANKS AND BANKING

LOANS

Limiting amount of, to any one person, firm, or corporation by a bank, code section amended	292
---	-----

LOWNDES COUNTY

County solicitor, compensation	192
Sheriff, additional deputy authorized	520

LUBRICATING OIL

Tax on, distribution of proceeds of, code section amended.....	259
--	-----

MACON COUNTY

Board of revenue, compensation, act amended.....	145
Fishing in public waters of, regulated	337

MADISON COUNTY

Branch banks, authorized	308
Huntsville, city of, boundaries altered	715
Huntsville, city of, joint resolution extending felicitations to, on its sesquicentennial	1095

Register, chief clerk authorized	Page 114
Simmons, Harold E., relief of	702
Voting machines, authorized and required	396

MAGISTRATES

Issuance of search warrants under law regulating sale of alcoholic beverages, code section amended	151
--	-----

MARENGO COUNTY

Board of education, election and qualifications, act amended	458
Board of revenue, act creating, amended	45
Circuit clerk, clerical assistance authorized	142
Demopolis, city of, boundaries altered	252
Tax assessor, clerk authorized	60
Tax collector, clerk authorized	60

MARION COUNTY

Chewing gum, candies, and other snack-bar items, privilege license, calling election to authorize levy of	408
County court, established	115
Electric and hydro-electric public utilities, privilege license	170
Electric and hydro-electric public utilities, privilege license, act levying amended	475
Engineer, county, act creating office of, amended	967
Fines and forfeitures in certain cases, distribution of	120
Governing body, powers and authority, constitutional amendment	756
Industrial development agent, governing body authorized to employ	115
Industrial development, constitutional amendment	748
Judge, circuit, compensation	380
Judge, circuit, compensation, act amended	954
Public corporation to acquire and operate hydro-electric and irrigation projects and sell water and water rights, creation authorized	465
Sheriff, additional deputy authorized, act amended	969
Superintendent of education, compensation, act amended	968
Tobacco tax, calling an election to authorize levy of	462

MARSHALL COUNTY

Bearden, Charles, relief of	386
Board of revenue and control, created	612
Campbell, L. F., relief of	388
Check-r-board feed store, relief of	387
County court, act establishing repealed	786
County court, established	786
Court of county commissioners, abolished	612
County court, transferring criminal jurisdiction from justices of the peace to, act repealed	786
Gunterville, city of, governing body empowered to authorize mayor to lease or sublease certain property	1042
Hughes, H. L., relief of	387
Justices of the peace trying misdemeanor criminal cases required to report to the circuit clerk	1050

MAURY A. McWILLIAMS POWER PLANT

Joint resolution congratulating the people of south Alabama on the dedication of	345
--	-----

	Page
MAXWELL, JAMES	
Morgan County, relief of	1172
MAYOR	
Cities 6,125 to 6,725 population, council-mayor form of government, election of, in certain cases	952
Election and duties, code section amended	930
Franklin County, city of Russellville, election regulated	1151
Salary and duties, code section amended	1106
MENTAL INSTITUTIONS	
See also: INSANE PERSONS; HOSPITALS; ALABAMA INSANE HOSPITALS	
Liability of relatives for support of persons committed to, committee created to investigate act relative to, joint resolution ..	112
Liability of relatives for support of persons committed to, committee to investigate act relative to, continued, joint resolution	1093
MERRILL, HUGH D.	
Joint resolution mourning death of	52
MERIT SYSTEMS	
See: CIVIL SERVICE SYSTEMS; EMPLOYEES, STATE; PERSONNEL	
MICHIE PUBLISHING COMPANY	
Governor authorized to enter into contract with, to replace volumes of Code of Alabama 1940	293
MICROFILMING	
Public records, authorized	1226
MILITARY DEPARTMENT, STATE	
Adjutant general, compensation	896
Appropriation	808
Appropriation, additional	266
Appropriation, constructing, repairing and equipping armories	237, 1096
Appropriation, preservation of World War II selective service records	559
Members of national guard, distinctive motor vehicle license plates for	707
MILK	
Dairy industry, joint resolution creating committee to study	394
Milk vending machines in the rotunda of the capitol and in all state office buildings, joint resolution recommending installation of	388
Producers, processors, handlers, and distributors of, regulated, permits required	176
Testing, inspecting, grading, regulated	1239
Transported into Alabama from other states, conditions and requirements for	1239
MILK CONTROL BOARD	
Appropriations	835

Surveys to determine how production, distribution, of milk may affect public health	1239
--	------

MINES AND MINING

County convicts prohibited from working in coal mines, code section amended	705
Privilege license tax on operation of coal mines, code section levying repealed	926

MINORS

Indecent molestation of, defined, punishment for	932
--	-----

MOBILE, CITY OF

Boundaries altered	914
--------------------------	-----

MOBILE COUNTY

Bailiffs for the circuit court, appointment, compensation	513
Board of revenue and road commissioners, term of office of members, extended	123
Branch banks, authorized	907
Circuit judges, compensation	232
Circuit solicitor, compensation	515
Circuit solicitor, positions of administrative assistant to and legal stenographer to, created	124
Citizens supervisory committee of the county personnel board, abolished	431
Civil service system, election, duties and compensation of per- sonnel director	483
Clerk of the criminal division of the circuit court, authorized	910
Commissioner of licenses, salary	233
Commissioner of licenses, term of office extended	126
Coroner's pathologist, office created	600
Coroner, term of office extended	126
County treasurer authorized to appoint assistant treasurer	122
Court reporter of circuit court, appointment and compensation, act amended	514
Designating voting places and assigning voting machines or booths alphabetically	908
Domestic relations division of the circuit court, created	783
Gasoline tax, levied	892
Hospital board, created	350
Inferior criminal court, additional civil jurisdiction conferred upon	124
Inferior criminal court, chief assistant to clerk of, appointment and compensation	383
Inferior criminal court, clerk, compensation, act amended	384
Judge of probate authorized to divide office into divisions	335
Judge of probate, qualifications for holding office	380
Judge of probate, salary	234
Justices of the peace and notaries public ex officio justices of the peace, jurisdiction limited	121
Mobile, city of, boundaries altered	914
Non-residents arrested for certain traffic violations may post cash sum with sheriff in lieu of an appearance bond	178
Plumbers examining board, act creating amended	911
Sheriff, assistant chief deputy, appointment and compensation	137
Sheriff, chief clerk, appointment and compensation	137
Sheriff, chief deputy, compensation, act amended	137

	Page
Solicitor's fund, created	344
Supervisory committee of the county personnel board, created.....	431
Tax assessor, chief clerk to, appointment and compensation, act amended	910
Tax assessor, payment of salary regulated	476
Tax assessor, salary	233
Tax collector, payment of salary regulated	476
Tax collector, salary	356
Warrants on, drawing of, regulated	703

MONTGOMERY, CITY OF

Boundaries altered	720, 1156, 1157
Brown, Mary Jackson, relief of	284
Edwards, Bernice Owen McKinney, relief of	285
Employees retirement system, act amended	42
Joint public charity hospital board, creation of, authorized	694
Joint resolution expressing appreciation to the governing body, officers and employees, civic organizations and citizens of.....	1154
Police and fire departments, officers and members of, commended by legislature for their cooperation and assistance in making inauguration day safe and orderly	31
State board of education requested to locate vocational trade school in, joint resolution	725

MONTGOMERY COUNTY

Ad valorem tax for school purposes, constitutional amendment.....	256
Barbers, regulated and licensed	654
Cumbe, Perry, relief of	362
Employees retirement plan, authorized and required	720, 960
Joint public charity hospital board, creation of, authorized	694
Montgomery, city of, boundaries altered	720, 1156, 1157
Montgomery, city of, joint resolution expressing appreciation to the governing body, officers and employees, civic organizations and citizens of	1154
Montgomery, city of, relief of Bernice Owen McKinney Edwards.....	285
Montgomery, city of, relief of Mary Jackson Brown	284
Montgomery, city of, state board of education requested to locate vocational trade school in, joint resolution.....	725
Non-residents arrested for certain traffic violations may post cash sum with sheriff in lieu of an appearance bond.....	178
Sheriff, compensation, assistants, act amended	363, 41

MORGAN COUNTY

Board of revenue and control, compensation, act amended.....	1173
Circuit court and county court, deputy clerk, appointment and compensation, act amended	1174
Decatur, city of, boundaries altered	683, 718
Deputy register, appointment and compensation, act amended	1171
Maxwell, James, relief of	1172
Probate judge, compensation, clerical assistance, act amended.....	1170
Sheriff, compensation of chief deputy	1173
Sheriff, deputies and jailers provided, act amended.....	1174
Superintendent of education, compensation, act amended	1171
Tax assessor, compensation, clerical assistance, act amended.....	1167
Tax collector, compensation, clerical assistance, act amended.....	1168

MORTALITY TABLES

Compilation of	1313
----------------------	------

	Page
MOTELS	
Privilege license tax levied on	586
MOTOR CARRIERS	
"Alabama motor carrier act of 1939", amended.....	1204, 140
Size and weight limits of vehicle and load, code section amended...	559
MOTOR FUELS	
DeKalb County, levy authorized	97
Gasoline tax, rate and distribution of proceeds, code sections amended	73
Tax on, act levying amended	64
MOTOR VEHICLES	
"Alabama motor carrier act of 1939", amended	1204, 140
Counties 125,000 to 400,000 population, non-residents arrested for certain traffic violations may post cash sum with sheriff in lieu of an appearance bond	178
Gasoline tax, rate and distribution of proceeds, code sections amended	73
Lighting equipment on, code section amended	621
Motor fuels, act levying tax on amended	64
National guard and air national guard, distinctive motor vehicle license plates for members of	707
Oversized vehicles, permits for movement over highways authorized	916
Size and weight limits, code section amended	559
Trucks and trailers used for commercial purposes which are owned by certain non-residents, registration of, prohibited.....	879
MOUNTAIN BROOK, CITY OF	
Boundaries altered	534, 923
MUNICIPAL COURT	
See also: CITIES, GENERAL LAWS; RECORDER; name of specific city or town	
Appeals from, code section amended	900
Cities having commission form of government, election and compensation of recorder, code section amended.....	1219
MUNICIPALITIES	
See: CITIES, GENERAL LAWS; name of specific city or town	
NATIONAL GUARD	
Appropriation, additional, state military department.....	266
Appropriation, for constructing, repairing and equipping arm-ories	237, 1096
Motor vehicle license plates, distinctive, for members of	707
NEWSPAPERS	
Designation of and regulations regarding printing and publishing legal advertisements, code section amended	1207
NEWTON, HERBERT E. (PUG)	
Joint resolution mourning death of	218

	Page
NINETEENTH JUDICIAL CIRCUIT	
Circuit solicitor, secretary authorized	132
NON-RESIDENTS	
Counties 125,000 to 400,000 population, arrested for certain traffic violations, may post cash sum with sheriff in lieu of an appearance bond	178
Motor vehicles used for commercial purposes and owned by, registration of certain vehicles prohibited	879
Probate jurisdiction, certain persons in service of federal government deemed to be residents of Alabama for purposes of	1196
Suits or actions in state courts, certain persons in service of federal government deemed to be residents of Alabama for purpose of maintaining	1253
NOTARIES PUBLIC	
Mobile County, limiting jurisdiction of notaries public ex officio justices of the peace	121
NOTICES	
See also: PUBLICATION	
Counties 400,000 or more population, service of, by certified mail rather than registered mail, authorized	956
Legal, designation of newspaper and regulations regarding printing and publishing, code section amended	1207
NURSES	
Board of nurses examiners and registration, appropriation	835
Practical, examination, licensing and regulation of, act amended	594
Schools of nursing, examination and registration of nurses, act regulating, amended	595
OFFICE BUILDINGS, STATE	
Public corporation created for purpose of constructing	500
OFFICERS, STATE	
Compensation of certain state officers, act amended	896
Salaries of officers and employees not in the pay plan or fixed by law, maximum amount of, code section amended	895
OIL AND GAS	
Oil resources, committee created to study activities being carried on in the exploration and production of, joint resolution	726
OIL AND GAS FUND	
Appropriation	836
ONEONTA, CITY OF	
Boundaries altered	309
OPELIKA, CITY OF	
Ad valorem tax for school purposes, constitutional amendment	544

OZARK, CITY OF	
Boundaries altered	113
PACKING HOUSES	
Privilege license, code section amended	317
PARDONS AND PAROLES, BOARD OF	
Appropriation	818
Probation and suspension of execution of sentence, code section amended	1093
PARK, S. H.	
Relief of	1238
PARKER, WILLIAM	
Lawrence County, relief of	250
PARKING METERS	
Perry County, prohibited in any city or town unless authorized by the electorate of the city or town	232
PARKS AND MONUMENTS	
Battle of Horseshoe Bend, joint resolution memorializing congress to enact legislation creating military park at site of.....	389
Cahaba historical commission, appropriation	650
Fort Morgan historical commission, created	780
PARRISH, C. J., JR.	
Dothan, city of, relief of	297
PARRISH, TOWN OF	
Boundaries of, repealing acts altering	86
PARTLOW STATE SCHOOL	
Appropriation	817
PATTERSON, ALBERT L.	
Joint resolution honoring the courage, character, integrity, and honorable motives of	32
PENITENTIARIES	
See: BOARD OF CORRECTIONS, STATE; PRISONS	
PENSION AND RELIEF SYSTEMS	
See: RETIREMENT SYSTEMS	
PENSION COMMISSION	
Appropriation	837
PENSIONS AND SECURITIES, COUNTY BOARD OF	
Created	763
PENSIONS AND SECURITY, COUNTY DEPARTMENT OF	
Created	763

	Page
PENSIONS AND SECURITY, STATE BOARD OF	
Created	763
PENSIONS AND SECURITY, STATE DEPARTMENT OF	
Created	763
PERMITS	
See: LICENSES	
PERRY COUNTY	
Parking meters prohibited in any city or town within, unless authorized by the electorate of the city or town	232
Witness fees, criminal cases in the county court, manner of registering and paying claims for	348
PERSONNEL	
See also: CIVIL SERVICE SYSTEMS; EMPLOYEES, STATE; RETIREMENT SYSTEMS	
Compensation of certain state officers	896
Employees' retirement system, definitions of terms, act amended	883
Employees' retirement system, membership, creditable service and retirement benefits, act amended	1085
Employees' retirement system, method of financing, participation by counties, cities and public organizations, act amended	637
Mileage and per diem expenses allowed persons traveling in service of the state, code section amended	356
Mobile County, civil service system, act creating amended	483
Mobile County, supervisory committee of the county personnel board, created	431
Officers and employees of the state and local governments covered under social security laws, act amended	392
State employees, maximum amount of salaries, code section amended	895
PERSONNEL DEPARTMENT, STATE	
Appropriation	809, 837
Director, compensation	896
PETERSON, VAL	
Joint resolution extending invitation to address legislature	288
PHENIX CITY, CITY OF	
Joint resolution requesting All-America Cities jury to give consideration to selection of, as All-America Cities award winner	404
PHYSICALLY HANDICAPPED	
Appropriations	777
Children between sixteen and eighteen years of age, joint resolution memorializing congress to enact legislation providing assistance for	599
PHYSICIANS AND SURGEONS	
Appropriation, physician's association	838

PICKENS COUNTY

Board of education, duties, compensation, act amended	308
Privilege license, excise, sales and use taxes, calling election to authorize levy of	180
Superintendent of education, compensation, expenses	343

PIKE COUNTY

Costs and charges of courts, legislature authorized to fix, alter and regulate, constitutional amendment	361
Deputy circuit clerk, appointment and compensation	394
Deputy circuit solicitor, appointment and compensation of a clerk	393
Fine and forfeiture fund, abolished	382
Fine and forfeiture fund, act regulating repealed	382
Judge, circuit, compensation	380
Judge, circuit, compensation, act amended	954

PLANNING

City planning commissions, composition of membership	1000
City planning commissions, procedure of, regulated, code section amended	974
Counties 400,000 or more population, duties and functions of county planning commission, act amended	692
State planning and industrial development board, created	765

PLANNING AND INDUSTRIAL DEVELOPMENT BOARD, STATE

Appropriation	806
Created	765

PLANNING BOARD, STATE

See also: **PLANNING AND INDUSTRIAL DEVELOPMENT BOARD, STATE**

Abolished	765
Appropriation	810

PLEADING AND PRACTICE

Exceptions to rulings of the court made unnecessary, manner of requesting and objecting to	150
--	-----

PLUMBERS

Counties 140,000 or more population, plumbers examining board, act creating amended	911
---	-----

POLIOMYELITIS

Counties 94,000 to 134,000 population, victims authorized to attend nearest public school without payment of certain fees	84
Joint resolution commending President Eisenhower for his release of scientific information relative to the Salk vaccine	206

POST OFFICES

Cities authorized to acquire and lease to federal government properties suitable for use as	1107
---	------

PREMIUM TAX

Fire insurance, reciprocal exchanges, code section repealed	193
Foreign and domestic insurance companies, rate of, act amended	193

	Page
PRESS SECRETARY	
Appointment by governor, compensation	923
PRIMARY ELECTIONS	
See also: ELECTIONS; VOTERS; VOTING	
State to reimburse counties for expenses incurred in conduct of ..	406
PRISONERS	
See also: BOARD OF CORRECTIONS, STATE; CONVICTS; PRISONS	
Appropriation, expenses incident to arrest of absconding felons.....	817
Appropriation, expenses incident to removal of	817
Appropriation, feeding of	817
Counties 80,000 to 94,000 population, feeding of, regulated.....	714
County convicts, delivery to and imprisonment of, by depart- ment of corrections and institutions, code section amended.....	705
County convicts, prohibited from working in coal mines, code section amended	705
Probation and suspension of execution of sentences, code section amended	1093
PRISONS	
See also: BOARD OF CORRECTIONS, STATE; CONVICTS; PRISONERS	
County convicts, delivery to and imprisonment of by state, code sections amended	705
Draper prison, joint resolution requesting state board of educa- tion to locate trade school at.....	709
PRIVILEGE LICENSES	
See: LICENSES	
PROBATE JUDGES	
See: JUDGE OF PROBATE	
PROBATION OFFICERS	
Counties 94,000 to 134,000 population, governing body author- ized to appoint	172
PROPERTY	
See: REAL PROPERTY	
PUBLIC HEALTH	
Milk, processing, production, handling and distribution of, regu- lated, permits required	176
Milk, regulating testing, inspecting, grading of	1239
Milk, transported into Alabama from other states, prescribing conditions and requirements for.....	1239
Public corporations to acquire and operate hospitals, act amended	87, 437
Soft drinks or beverages containing artificial or non-nutritive sweetening, manufacture of, authorized	537
Southern regional council on mental health training and re- search, appropriation	821

PUBLIC IMPROVEMENTS

Cities 6,000 population or less, cost of, in certain cases, not deemed to constitute indebtedness, constitutional amendment	744
Cities 6,000 or more population, financing and construction of, outside corporate limits and within police jurisdiction of, act repealed	1112
Cities 6,000 or more population, financing and construction of, outside corporate limits and within police jurisdiction of, authorized	1112

PUBLIC LIBRARY SERVICE DIVISION

Appropriation	803
---------------------	-----

PUBLIC SAFETY, STATE DEPARTMENT OF

Act creating amended	263
Appropriation	134, 809
Highway patrol fund, collection and distribution of funds in, code section amended	260
Lubricating oil, distribution of proceeds of tax on	259

PUBLIC SCHOOL FUND

Appropriation	838
---------------------	-----

PUBLIC UTILITIES

"Alabama motor carrier act of 1939", amended	1204, 140
Cities and counties, powers with respect to electric systems	1127
Cities authorized to acquire, operate, and extend waterworks system, whether located within or without corporate limits, code section amended	1217
Marion County, Electric and hydro-electric public utilities, privilege license	170
Marion County, electric and hydro-electric public utilities, privilege license, act amended	475
Marion County, public corporation to acquire and operate hydro-electric and irrigation projects and sell water and water rights, creation of, authorized	465
Public corporation in each county to construct, operate irrigation projects, hydro-electric power projects, sell water and water rights, creation of, authorized	1186
Three-judge special court to determine applications for injunctions restraining enforcement, executions, or orders of public service commission	1185
United telephone and telegraph company and Clio telephone company, joint resolution creating committee to investigate	403
United telephone and telegraph company and Clio telephone company, joint resolution directing committee to continue investigation of	1004

PUBLIC WELFARE

County boards of pensions and security, created	763
County departments of pensions and security, created	763
Handicapped children, congress memorialized to make certain ones eligible for aid under the social security act	599
Old-age and survivors insurance for officers and employees of the state and local governments, act amended	392
Relatives responsibility act, repealed	164

	Page
State board of pensions and security, created	763
State department of pensions and security, created	763
PUBLIC WELFARE, STATE DEPARTMENT OF	
See also: PENSIONS AND SECURITY, STATE DEPARTMENT OF	
Appropriation	810, 838
Relatives responsibility act, repealed	164
PUBLICATION	
Legal advertisements, designation of newspaper and regulations regarding printing and publishing of, code section amended	1207
PUBLICITY AND INFORMATION, BUREAU OF	
Appropriation	810
Director, compensation	896
PURCHASING	
Counties 22,000 to 23,000 population, regulated	377
Counties 63,700 to 70,000 population, purchase of medical, surgical and hospital supplies exempt from system of competitive bidding	1051
Lawrence County, regulated	517
Sumter County, regulated, act amended	963
Walker County, certain purchases required to be made on competitive bids	924
PYROTECHNICS	
Sale, possession, and display of, regulated	926
RAGLAND, TOWN OF	
Boundaries altered	1141
RANDOLPH COUNTY	
County commissioners placed on salary	377
Fishing in public waters of, regulated	496
Purchasing system, established	377
Roads and bridges, construction, repair, and maintenance on a county-wide basis, provided for	377
REAL ESTATE COMMISSION	
Appropriation	839
REAL PROPERTY	
Appropriation, advertising lands for tax sale	818
Counties 75,000 to 90,000 population, perpetual inventory of, act repealed	53
RECORDER	
Appeals from recorder's court, code section amended	900
Cities having a commission form of government, election and compensation, code section amended	1219
Issuance of search warrants under law regulating sale of alcoholic beverages, code section amended	151

RECORDS

Joint resolution providing for the appointment of a committee to consider retention of world war II selective service records	255
Public, photographing or microphotographing of, authorized	1226
Selective service records, appropriation for preservation of	559

RECORDS COMMISSION, COUNTY

Created	1226
---------------	------

RECORDS COMMISSION, STATE

Created	1226
---------------	------

REFRIGERATED WAREHOUSES

Privilege license tax, code section amended	317
---	-----

REGISTER, CIRCUIT COURT

Cherokee County, supplies, clerical assistance, act amended	364
Clarke County, compensation, constitutional amendment	379
Counties 94,000 to 134,000 population, costs and fees of, in certain cases	534
Elmore County, compensation, constitutional amendment	399
Lauderdale County, deputy register, salary	957
Madison County, chief clerk authorized	114
Morgan County, deputy register, act authorizing amended	1171
Talladega County, clerk hire allowance, act amended	312
Tenth judicial circuit, salary	979

REGISTRATION OF VOTERS

See also: BOARD OF REGISTRARS; VOTERS

Appropriation for	820
Counties 56,500 to 72,500 population, reidentification of voters	711
DeKalb County, reidentification of voters	1146
Elmore County, reidentification of voters	433
Lauderdale County, reidentification of voters	226
Russell County, reidentification of voters	127
Talladega County, defining persons presumed to be qualified electors	254

RELATIVES RESPONSIBILITY ACT

Repealed	164
----------------	-----

RELIEF ACTS, LOCAL

Elmore County, A. B. Richardson	432
Houston County, city of Dothan, C. J. Parrish, Jr.	297
Jefferson County, Evelyn Louise Brewer	618
Jefferson County, Margaret Webb	407
Lawrence County, Sim Jenkins	250
Lawrence County, Sinclair Refining Company	702
Lawrence County, William Parker	250
Madison County, Harold E. Simmons	702
Marshall County, Charles Bearden	386
Marshall County, Check-R-Board Feed Store	387
Marshall County, H. L. Hughes	387
Marshall County, L. F. Campbell	388
Montgomery County, city of Montgomery, Mary Jackson Brown ..	284

	Page
Montgomery County, city of Montgomery, Bernice Owen Mc-Kinney Edwards	285
Montgomery County, Perry Cumbie	362
Morgan County, James Maxwell	1172
Talladega County, Mrs. Dan Hubbard	530
Talladega County, Mrs. H. F. Cole	530
Tuscaloosa County, Charlie Jones	58
Tuscaloosa County, William Thomas Smith	59
 RELIEF ACTS, STATE	
Allen, James E.	93
Park, S. H.	1238
Russell County	79
Wright, Colbert R.	620
 RETIREMENT SYSTEMS	
Cities 75,000 to 125,000 population, act amended	42
Cities 250,000 or more population, act creating amended	478, 979
Counties 125,000 to 200,000 population, authorized and required for employees of	720
Counties 125,000 to 225,000 population, authorized and required for employees of	960
Jefferson County, city of Birmingham, certain employees of, system provided	1067
State employees, definition under, act amended	883
State employees, membership, creditable service and retirement benefits, act amended	1085
State employees, method of financing, participation by counties, cities and public organizations, act amended	637
State policemen, joint resolution directing the improvement of retirement benefits for employees classified as	539
Teachers', appropriation	775
Teachers', benefits and membership, code sections amended	1101
Teachers', creditable service, code section amended	1206
Teachers', method of financing and management of funds, code sections relating to amended	630
Teachers', method of financing, code section amended	1136
Teachers', retirement age and benefits, code section amended	90
 REVENUE, COMMISSIONER OF	
Joint resolution requesting a study of ways of preventing evasions of state tax laws	200
 REVENUE DEPARTMENT, STATE	
Appropriation	811, 841
 RICHARDSON, A. B.	
Elmore County, relief of	432
 RICHMOND PEARSON HOBSON MEMORIAL BOARD	
Appropriation	820
 RIGHTS OF WAY	
Acquisition of, for state roads, regulated	1230
 ROADS AND BRIDGES	
See also: HIGHWAY DEPARTMENT, STATE; HIGHWAYS	

	Page
Alabama turnpike authority, authorizing incorporation of.....	412
Cherokee County, highway department to construct and maintain	606
Corporation to construct, creation authorized	66
Counties 22,000 to 23,000 population, construction, repair, and maintenance on a county-wide basis	377
Counties 400,000 or more population, incorporation of tunnel authorities for construction of vehicular tunnels, authorized	562
Cullman County, construction and repair by state highway department	37
Penalty for leaving, dumping, or throwing trash, debris, or rubbish on, code section amended	149

ROBERT E. TIDWELL HALL

Joint resolution authorizing board of trustees of University of Alabama to designate building as Birmingham University Center as	57
--	----

RUSSELL COUNTY

Ad valorem tax for school purposes, constitutional amendment.....	401
Appropriation, for relief of	79
Court of county commissioners, validating certain warrants issued by	376
Deputy circuit clerk, compensation	1080
Hurtsboro, town of, boundaries altered	296
Judge of probate, compensation of chief clerk	1080
Reidentification of voters	127
Sheriff, additional deputy, acts providing for amended	374, 375
Sheriff, special or general deputy, act authorizing appointment of, amended	375
Tax assessor, deputy to, compensation	1081
Tax collector, deputy to, compensation	1081

RUSSELLVILLE, CITY OF

Mayor, election of, regulated	1151
-------------------------------------	------

SALES TAX

Counties 80,000 to 94,000 population, levy authorized	1046
Franklin County, levied	522
Limestone County, calling election to authorize levy of	446
Pickens County, calling election to authorize levy of	180
Sale at wholesale or wholesale sale, definition of, code section amended	645

SALK VACCINE

Joint resolution commending President Eisenhower for his release of scientific information relative to	206
--	-----

SAVINGS AND LOAN ASSOCIATIONS

Baldwin County, branch office in Fairhope, authorized	385
Laws relating to, administration of, transferred to state banking department	497

SCHOOL DISTRICTS

Ad valorem taxes, additional, for public school purposes, constitutional amendment	753
--	-----

SCHOOLS

See also: BOARDS OF EDUCATION; EDUCATION; SUPER-INTENDENTS OF EDUCATION; TEACHERS; VOCATIONAL EDUCATION

Ad valorem taxes for public school purposes, additional, constitutional amendment	753
Alabama boys industrial school, appropriation	776
Alabama industrial school for negroes, appropriation	776
Alabama institute for deaf and blind, appropriation	776
Alabama public schools corporation authorized to borrow money on behalf of certain institutions and agencies	1183
Alabama vocational school for girls, appropriation	628
Appropriation, public education	769
Association of school board members recognized as an organization and representative agency of members of the various school boards	718
Attendance of pupils at school, rules and regulations governing, code sections repealed	492
Boards of education, local, authorized to assign pupils to schools	492
Bonds for school building purpose, issuance authorized	1055
Bonds for school building purposes, issuance authorized, constitutional amendment	750
Cities 6,000 or less population, certain obligations for purpose of constructing school buildings not deemed indebtedness within meaning of constitutional debt limit	744
City schools, code section authorizing attendance of, by children without the city, repealed	492
Definition of the word "city", code section amended	317
Elections to levy special tax, validated	50
Free separate schools for white and colored children, code section requiring, repealed	492
General education appropriation bill	769
Handicapped children, county and city boards of education authorized to provide education for	591
Partlow state school, appropriation	817
Placement or assignment of pupils to schools, regulated	492
Public school fund, appropriation	838
Schools of nursing, act regulating amended	595
Separate schools for white and colored children, code section requiring city board of education to maintain, repealed	492
Special tax on incomes, levied	727
Special tax on incomes, levy authorized, constitutional amendment	541
State training school for girls, appropriation	777
Teachers, retired, employment of, provided for	1097
Teachers' retirement system, appropriation	775
Teachers' retirement system, benefits and membership, code sections amended	1101
Teachers' retirement system, creditable service, code section amended	1206
Teachers' retirement system, method of financing and management of funds, code section amended	630
Teachers' retirement system, method of financing, code section amended	1136
Teachers' retirement system, retirement age and benefits, code section amended	90
Teachers' special pension fund, appropriation	775

	Page
Vocational trade school at Draper prison, joint resolution requesting state board of education to locate	709
Vocational trade school in the city of Montgomery, joint resolution requesting state board of education to locate	725
Vocational trade schools, additional, authorized	940
Vocational trade schools, appropriation	776
Walker County Junior College, appropriation for support of	710
SCOTTSBORO, CITY OF	
City council, election of	617
SEAPORTS	
Promotion and development of	887
SEARCH WARRANTS	
Officers who may issue under law regulating sale of alcoholic beverages, code section amended	151
SECRETARY OF STATE	
Appropriation	134, 801
Code and code supplements, distribution to certain legal-aid offices and societies provided for	85
Codes, supplements, and other books furnished to members of the legislature, joint resolution relieving of responsibility for	1182
Compensation	924
SECURITIES, COMMISSION, STATE	
Appropriation	811
SELECTIVE SERVICE RECORDS	
Appropriation, military department, preservation of	559
Joint resolution providing for the appointment of a committee to consider retention of	255
SELMA, CITY OF	
Boundaries altered	333
Selma water works commission, act creating, amended	225
SELMA WATER WORKS COMMISSION	
Act creating, amended	225
SENATE	
Secretary of, relieved of responsibility for codes, supplements, and other books furnished to members of the legislature, joint resolution	1182
SENTELL, JAMES OSCAR	
Joint resolution mourning death of	89
SEVERANCE TAX	
Forest products, act levying, amended	921, 1177
SEWERS	
Cities 6,000 or less population, certain obligations for purposes of acquiring, not deemed indebtedness within meaning of constitutional debt limit	744

	Page
General obligation bonds or certificates of indebtedness for construction, acquisition, or extension of sanitary sewer system, issuance of, by certain counties, authorized.....	610
SHELBY COUNTY	
Board of revenue and control, compensation	599
County solicitor, deputy circuit solicitor, or assistant circuit solicitor, additional compensation	598
SHELTON, J. P.	
Joint resolution designating trade school at Tuscaloosa "The J. P. Shelton Trade School"	35
Joint resolution mourning death of	34
SHERIFF	
Appropriation, arrest of absconding felons	817
Appropriation, expenses incident to removal of prisoners	817
Appropriation, feeding of prisoners	817
Butler County, additional deputy authorized	353
Cherokee County, supplies, clerical assistance, act providing for, amended	364
Clarke County, special deputy sheriff, office of created	175
Counties 80,000 to 94,000 population, feeding of prisoners regulated	714
Counties 80,000 to 94,000 population, purchase of uniforms for employees of, authorized	354
Counties 96,000 to 140,000 population, compensation, assistants, act providing for, amended	363, 41
Counties 125,000 to 400,000 population, non-residents arrested for certain traffic violations may post cash sum with, in lieu of an appearance bond	178
Counties 400,000 or more population, salary	1001
Crenshaw County, additional deputy authorized	130
DeKalb County, act authorizing additional deputy, amended.....	341
Elmore County, compensation, constitutional amendment.....	399
Elmore County, placed on salary	436
Fees and allowances, code section amended	1243
Houston County, act regulating office of, amended.....	1152, 1157
Jackson County, appointment and compensation of deputies	1039
Jackson County, expense allowance	1039
Lauderdale County, chief deputy, compensation	957
Limestone County, deputies, compensation, act amended	305
Lowndes County, additional deputy authorized	520
Marion County, act authorizing additional deputy, amended.....	969
Mobile County, assistant chief deputy and chief clerk, appointment and compensation	137
Mobile County, chief deputy, compensation, act amended	137
Morgan County, chief deputy, compensation	1173
Morgan County, deputies and jailers, act providing for, amended.....	1174
Official bond a lien on property of, code section repealed	929
Russell County, acts authorizing additional deputy, amended.....	374, 375
Russell County, act providing for special or general deputy, amended	375
St. Clair County, chief deputy and other deputies, compensation.....	529
Talladega County, deputies and assistants, compensation, act amended	553
Tallapoosa County, deputies, compensation	459
Wilcox County, additional deputy authorized	1144

	Page
SIMMONS, HAROLD E.	
Madison County, relief of	702
SINCLAIR REFINING COMPANY	
Lawrence County, relief of	702
SIXTEENTH JUDICIAL CIRCUIT	
Deputy circuit solicitors, appointment and compensation	90
SIXTH JUDICIAL CIRCUIT	
Bailiffs, appointment, tenure and compensation	96
Circuit solicitor, authority to employ stenographic secretary	83
Court reporters, compensation	85
Deputy circuit solicitor, compensation	86
Solicitor's fund, created	649
Solicitor, secretary to, compensation	756
SLUM AREAS	
Housing authorities and municipalities given additional power and authority to eliminate or prevent spread of	1210
SMITH, WILLIAM THOMAS	
Tuscaloosa County, relief of	59
SOCIAL SECURITY	
Appropriation	135, 811
Officers and employees of state and local governments, act pro- viding for, amended	392
SODA WATER	
Soft drinks or beverages containing artificial or non-nutritive sweetening, manufacture of, authorized	537
SOFT DRINKS	
Soda water and other beverages containing artificial or non- nutritive sweetening, manufacture of, authorized	537
SOIL CONSERVATION COMMITTEE, STATE	
Appropriation	815
SOLICITOR, CIRCUIT	
Appropriation	799
Appropriation, for telephone service, stationery, stamps, and office equipment	317
Eighth judicial circuit, solicitor's fund, created	710
Fifteenth judicial circuit, deputy solicitors, appointment, code section amended	148
Fourth judicial circuit, solicitor's fund, created	761
Judicial circuits composed of one county and having not less than four nor more than nine judges, compensation	515
Nineteenth judicial circuit, secretary authorized	132
Sixth judicial circuit, authorized to employ stenographic secre- tary	83
Sixth judicial circuit, secretary, compensation	756
Sixth judicial circuit, solicitor's fund created	649

	Page
Tenth judicial circuit, supplemental salary	719
Thirteenth judicial circuit, positions of administrative assistant to and legal stenographer to, created	124
Thirteenth judicial circuit, solicitor's fund created	344
Thirty-second judicial circuit, created, solicitor provided for.....	332
 SOLICITOR, COUNTY	
Chilton County, office abolished	1142
Colbert County, office space and telephone service	967
Counties 29,500 to 30,500 population, additional compensation.....	598
Counties 47,500 to 52,500 population, additional duties and com- pensation	158
Lowndes County, compensation	192
St. Clair County, office created	1250
 SOLICITOR, DEPUTY	
Appropriation, for telephone service, stationery, stamps, and of- fice equipment	317
Cherokee County, supplies, clerical assistance, act amended	364
Chilton County, office created	1142
Counties 29,500 to 30,000 population, additional compensation.....	598
Fifteenth judicial circuit, appointment, code section amended.....	148
Lamar County, salary	939
Pike County, clerk authorized	393
Sixteenth judicial circuit, appointment and compensation.....	94
Sixth judicial circuit, deputy circuit solicitor, compensation.....	86
St. Clair County, office abolished	1250
Tenth judicial circuit, assistant deputy circuit solicitor, com- pensation	988
Tenth judicial circuit, compensation	975, 988, 1092
Thirteenth judicial circuit, appointment, code section amended.....	44
Twenty-third judicial circuit, office created	1084
 SOUTHERN GOVERNORS' CONFERENCE	
Appropriation, payment of expenses of	357
 SOUTHERN INDUSTRIAL INSTITUTE	
Appropriation	629
 SOUTHERN REGIONAL COUNCIL ON MENTAL HEALTH TRAIN- ING AND RESEARCH	
Appropriation	821
 SOUTHERN REGIONAL EDUCATION COMPACT	
Joint resolution providing for the admittance of Delaware and West Virginia into	257
 SOUTHERN UNIVERSITY	
Appropriation to restore interior of building formerly housing.....	651
 SPANISH AMERICAN WAR VETERANS	
Appropriation for encampment	820
 ST. CLAIR COUNTY	
Circuit clerk, clerk hire allowance	530
Judge, circuit, compensation	380

	Page
Judge, circuit, compensation, act amended	954
Ragland, town of, boundaries altered	1141
Sheriff, chief deputy and other deputies, compensation	529
Solicitor, county, office created	1250
Solicitor, deputy, office abolished	1250
Superintendent of education, compensation and expense allowance, act amended	286
STATE FARM SAFETY WEEK	
Joint resolution requesting Governor to proclaim	215
STATE FIRE COLLEGE	
Created	898
STATE FISH	
Tarpon designated as official state salt water fish.....	1226
STATE OFFICE BUILDINGS	
Public corporation created for purpose of constructing.....	500
STATE PUBLIC HIGHWAY AND TRAFFIC CONTROL FUND	
Establishment of, act amended	263
STATE TRAINING SCHOOL FOR GIRLS	
Appropriation	777
STOCKS AND BONDS	
Declaration of stock dividends by corporations, code section amended	147
STREETS	
Cities 6,000 or less population, certain obligations for purpose of constructing not deemed indebtedness within meaning of constitutional debt limit	744
SUBPOENAS	
Counties 400,000 or more population, service of, by certified mail, authorized	956
SUITS	
See: ACTIONS; CIVIL REMEDIES AND PROCEDURE; JUDICIAL PROCEDURE	
SUMTER COUNTY	
Board of commissioners, act creating amended.....	963
County engineer, appointment, duties and compensation, act amended	963
Purchasing regulated, act amended	963
SUPERINTENDENT OF BANKS	
Compensation	497
SUPERINTENDENT OF COUNTY SCHOOLS	
Cullman County, act creating office of, amended	224

	Page
Cullman County, office created	45
SUPERINTENDENT OF EDUCATION, CITY	
Placement or assignment of pupils to schools	492
SUPERINTENDENT OF EDUCATION, COUNTY	
Blount County, election, duties, compensation, act amended.....	512
Butler County, selection	113
Clarke County, election, compensation, act amended	959
Cleburne County, compensation	440
Colbert County, office created	440, 185
Counties 19,200 to 20,000 population, compensation	231
Counties 63,750 to 72,750 population, compensation	343
Cullman County, office abolished	45
Escambia County, office abolished	48
Lawrence County, election	684
Marion County, compensation, act amended	968
Morgan County, compensation, act amended	1171
Pickens County, compensation, expenses	343
Placement or assignment of pupils to schools	492
St. Clair County, compensation and expense allowance, act amended	286
SUPERINTENDENT OF EDUCATION, STATE	
Appropriation, for contracting with Tuskegee Institute to teach certain courses to Alabama residents	629
Attendance of pupils at school, preparation of rules and regulations for enforcement of, code section repealed	492
SUPERNUMERARY JUDGES	
See: JUDGES, SUPERNUMERARY	
SUPREME COURT	
Appeals in habeas corpus cases, code section amended	294
Appropriation	798
Confidential secretaries, appointment and compensation, code section amended	412
Supernumerary justices of, appropriation for expenses	801
Supernumerary justices of, election to become, code section relating to, amended	626
SWANN, THEODORE	
Joint resolution mourning death of	58
TALLADEGA, CITY OF	
Boundaries altered	456
TALLADEGA COUNTY	
Cole, Mrs. H. F., relief of	530
Coroner, clerk authorized	715
Governing body authorized to appropriate funds for the payment of certain obligations of the county	251
Hubbard, Mrs. Dan, relief of	530
Jurors, method of serving notice upon	1081
Jury rolls, preparation of, and filling and refilling of jury boxes, regulated	1081
Qualified electors, defining persons presumed to be	254

	Page
Register, clerk hire allowance, act amended	312
Reidentification of voters	711
Sheriff, deputies and assistants, compensation, act amended	553
Talladega, city of, boundaries altered	456

TALLAPOOSA COUNTY

Fishing in public waters of, regulated	229
Sheriff, deputies, compensation	459

TALMADGE, HERMAN

Joint resolution inviting, to address legislature	138
---	-----

TARIFFS

Joint resolution requesting Alabama congressional delegation to oppose any attempt to reduce tariff on imported textile goods	36
---	----

TARPON

State salt water fish, designated as	1226
--	------

TAX ASSESSOR

Bullock County, compensation	533
Bullock County, regulating fees, commissions, and salary, consti- tutional amendment	491
Cherokee County, supplies, clerical assistance, act amended	364
Counties 29,350 to 30,350 population, clerk authorized	60
Counties 30,700 to 31,400 population and having two courthouses and a court of county commissioners, office equipment, sup- plies, and clerical assistance	954
Counties 80,000 to 94,000 population, compensation	1003
Counties 500,000 or more population, salary	992
Elmore County, compensation, constitutional amendment	399
Elmore County, placed on salary	436
Fees and allowances, code section amended	1224
Limestone County, clerical assistance, act amended	306
Mobile County, chief clerk, compensation	910
Mobile County, payment of salary, regulated	476
Mobile County, salary	233
Morgan County, compensation, clerical assistance, act amended	1167
Official bond a lien on property of, code section repealed	929
Russell County, compensation of deputy to	1081
Wilcox County, clerk hire allowance	477

TAX COLLECTOR

Bullock County, compensation	533
Bullock County, regulating fees, commissions and salary, consti- tutional amendment	491
Cherokee County, supplies, clerical assistance, act amended	364
Counties 29,350 to 30,350 population, clerk authorized	60
Counties 30,700 to 31,400 population and having two courthouses and a court of county commissioners, office equipment, sup- plies, and clerical assistance	954
Counties 80,000 to 94,000 population, compensation	1003
Counties 500,000 or more population, salary	992
Elmore County, compensation, constitutional amendment	399
Elmore County, placed on salary	436
Fees and allowances, code section amended	1230
Limestone County, clerical assistance, act amended	307

	Page
Mobile County, payment of salary regulated.....	476
Mobile County, salary	356
Morgan County, compensation, clerical assistance, act amended.....	1168
Official bond a lien on property of, code section repealed.....	929
Russell County, compensation of deputy to.....	1081
Wilcox County, clerk hire allowance	477

TAX STUDY COMMITTEE

Joint resolution creating	521
---------------------------------	-----

TAXATION

See also: LICENSES; TAX ASSESSOR; TAX COLLECTOR; name of specific tax	
Ad valorem taxes for public school purposes, additional, constitutional amendment	753
Air-conditioning plants and equipment, sales and installation, privilege license, code section amended	184
Beer tax, levied	177
Butler County, ad valorem tax for school purposes, constitutional amendment	551
Coal mines, privilege license, code section levying, repealed	926
Cold storage plants, packing houses, and refrigerated warehouses, privilege license, code section amended.....	317
Commissioner of revenue requested to study ways of preventing evasions of the state tax laws.....	200
Corporation franchise tax, rate, collection and distribution of, code sections amended	191
Counties 80,000 to 94,000 population, sales and use taxes, levy authorized	1046
Counties 400,000 or more population, beer tax, act amended.....	1279
DeKalb County, authorized to levy tax on gasoline and other motor fuels	97
Financial institutions, authorized to apply net operating losses as deduction against prior and future income	1254
Fire marshal tax, fire insurance companies, code section repealed	193
Forest products severance tax, act levying, amended.....	921, 1177
Franklin County, sales and use taxes levied	522
Gasoline tax, additional levied	73
Gasoline tax, rate and distribution of proceeds of, code section amended	73
Gasoline tax, refund on gasoline used in commercial fishing boats	145
Gasoline tax, refund on gasoline used in farm tractors, act amended	145
Hospitals, public, constitutional amendment authorizing special taxes for purposes of	757
Hotels, motels, tourist courts, privilege license levied on.....	586
Income tax, time and method of payment	661
Income tax, time of filing return and paying, code sections amended	80
Income tax, withholding tax from wages, provided for	661
Lawrence County, special school district taxes, authorized, constitutional amendment	489
Lee County, ad valorem tax for school purposes, constitutional amendment	550
Lee County, cities of Auburn and Opelika, ad valorem tax for school purposes, constitutional amendment	544
Licenses, state and county, distribution of proceeds of.....	1248

	Page
Limestone County, additional ad valorem tax, constitutional amendment	544
Limestone County, additional taxes for fire protection, constitutional amendment	400
Limestone County, sales and use taxes, calling election to authorize	446
Lubricating oil, distribution of proceeds of tax on	259
Marion County, chewing gum, candies, and snack-bar items, ordering election to authorize levy of privilege license on	408
Marion County, electric public utilities, privilege license	170
Marion County, electric public utilities, privilege license, act amended	475
Marion County, tobacco tax, calling an election to authorize levy of	462
Mobile County, gasoline tax, levied	892
Montgomery County, ad valorem tax for school purposes, constitutional amendment	256
Motor fuels, act levying tax on amended	64
Pickens County, privilege license, excise, sales and use taxes, calling election to authorize levy of	180
Premium tax, foreign and domestic insurance companies, rate of, act amended	193
Russell County, ad valorem tax for school purposes, constitutional amendment	401
Sales tax, definition of sale at wholesale or wholesale sale, code section amended	645
School tax, special, certain elections to levy validated	50
Special tax on incomes, levied	727
Special tax on incomes, levy authorized, constitutional amendment	541
Spiritous and vinous liquors, additional tax on, levied	199
Tax assessors, compensation, code section amended	1224
Tax collectors, compensation, code section amended	1230
Tax study committee, created, joint resolution	521
Tobacco tax, amount of, persons liable, to whom paid, and distribution of proceeds, code section amended	188
Tobacco tax, discount for handling stamps, code section amended	1181
Trading stamps, privilege license on sellers of code section amended	938
Tuscaloosa County, gasoline tax, act authorizing amended	615
Winston County, ad valorem tax for school purposes and for public hospital and health services, constitutional amendment	745
 TAYLOR, HARRY OLIVER	
Joint resolution mourning death of	219
 TEACHERS	
Retired, employment of, provided for	1097
Retirement system, appropriation	775
Retirement system, benefits and membership, code sections amended	1101
Retirement system, creditable service, code section amended	1206
Retirement system, method of financing and management of funds, code sections amended	630
Retirement system, method of financing, code section amended	1136
Retirement system, retirement age and benefits, code section amended	90

	Page
Special pension fund, appropriation	775
Teacher training equalization fund, appropriation	778
TEACHERS' RETIREMENT SYSTEM	
Appropriation	775
Benefits and membership, code sections amended	1101
Creditable service, code section amended	1206
Method of financing and management of funds, code sections amended	630
Method of financing, code section amended	1136
Retirement age and benefits, code section amended	90
TELEVISION	
Alabama educational television commission, appropriation	777
Alabama educational television commission urged to consider feasibility of televising the Alabama-Auburn football game	1094
TEMPERANCE EDUCATION	
Appropriation	826
TENTH JUDICIAL CIRCUIT	
Assistant deputy circuit solicitor, compensation	988
Deputy circuit clerk of the Bessemer division, salary	1002
Deputy circuit solicitors, compensation	975, 988
Fourth, fifth, and sixth deputy circuit solicitors, compensation	1092
Register, salary	979
Solicitor, supplemental salary	719
TEXTILE INDUSTRY	
Joint resolution requesting Alabama congressional delegation to oppose attempt to reduce tariff on imported textile goods	36
THIRTEENTH JUDICIAL CIRCUIT	
Circuit solicitor, compensation	515
Circuit solicitor, positions of administrative assistant to and legal stenographer to, created	124
Court reporters, appointment and compensation	161
Court reporters, appointment and compensation, act amended	514
Deputy circuit solicitors, appointment, code amended	124
Judges, compensation	232
Solicitor's fund, created	344
Supernumerary judges, compensation	165
THIRTIETH JUDICIAL CIRCUIT	
Judges, compensation, act amended	954
Judges, compensation regulated	380
THIRTY-SECOND JUDICIAL CIRCUIT	
Created	332
TIMBER	
Alabama forest products, state agencies directed to draw specifications so as to provide fair competitive position for	257
Forest fires, county governing body authorized to provide protection against	1208

	Page
Forest fires, interstate compacts for prevention and control of, authorized	917
Forest products severance tax, act levying amended	921, 1177
TOBACCO TAX	
Amount of, persons liable, to whom paid, and distribution of proceeds, code sections amended	188
Marion County, calling an election to authorize levy of	462
Stamps, discount for handling, code section amended	1181
TOLL ROADS	
Alabama turnpike authority, incorporation of, authorized	412
Counties 400,000 or more population, incorporation of tunnel authorities for construction of vehicular tunnels, authorized	562
Joint resolution creating legislative committee to investigate desirability of constructing	64
TOURIST COURTS	
Privilege license tax, levied	586
TOWNS	
See: CITIES, GENERAL LAWS; name of specific city or town	
TOXICOLOGIST, STATE	
Appropriation	812
Compensation, code section amended	897
TRADING STAMPS	
Privilege license on sellers of, code section amended	938
TRAILERS	
Commercial, owned by non-residents, registration of certain trailers prohibited	879
TRAVEL ALLOWANCE	
Persons traveling in state service, code section amended	356
TREASURER, COUNTY	
Counties 500,000 or more population, salary	999
Mobile County, authorized to appoint assistant treasurer	122
Official bond a lien on property of, code section repealed	929
TREASURER, STATE	
Appropriation	802
Compensation	924
TROY STATE TEACHERS COLLEGE	
Appropriation	776
TRUCKS	
See: MOTOR VEHICLES	
TUBERCULOSIS	
Counties 500,000 or more population authorized to create public corporation to construct, operate tubercular hospitals or clinics	366

	Page
Tubercular patients, care and treatment of, code section amended	703
TUBERCULOSIS SANATORIA	
Bonds for the construction of, constitutional amendment authorizing issuance of	759
TURNPIKES	
Alabama turnpike authority, incorporation of, authorized	412
TUSCALOOSA, CITY OF	
Boundaries altered	618, 55
Firemen's and policemen's pension and relief fund, act creating amended	525
Governing body, additional duties and compensation	295
Joint resolution designating trade school at as "The J. P. Shelton Trade School"	35
TUSCALOOSA COUNTY	
Alcoholic beverages, sale of, prohibited in certain places	592
Bailiffs of circuit court, appointment, tenure and compensation	96
Board of education, meetings regulated	973
Board of revenue authorized to appoint probation officers	172
Branch banks authorized	130
Cemeteries, regulated	652
Contraband or forfeited property, disposition of proceeds of sale of	649
Court house and jail, constitutional amendment authorizing issuance of bonds for construction of	604
Gasoline tax, act authorizing amended	615
Jones, Charlie, relief of	58
Polio victims authorized to attend nearest school without payment of certain fees	84
Polls, time of opening and closing	316
Probate judge, compensation, act amended	131
Register, costs and fees in certain cases, regulated	534
Smith, William Thomas, relief of	59
Tuscaloosa, city of, boundaries altered	618, 55
Tuscaloosa, city of, city governing body, additional duties and compensation	295
Tuscaloosa, city of, firemen's and policemen's pension and relief fund, act creating amended	525
Workmen's compensation, certain employees covered under	163
TUSCUMBIA, CITY OF	
Dedication of certain property vacated and annulled	513
TUSKEGEE INSTITUTE	
Appropriation, for teaching certain courses under contract	629
TWELFTH JUDICIAL CIRCUIT	
Judges, compensation	380
Judges, compensation, act amended	954
Pike County, deputy circuit solicitor, clerk authorized	393
TWENTY-FIFTH JUDICIAL CIRCUIT	
Judges, compensation	380

Judges, compensation, act amended	Page 954
TWENTY-SECOND JUDICIAL CIRCUIT	
Court reporter, compensation	63
TWENTY-THIRD JUDICIAL CIRCUIT	
Deputy circuit solicitor, office created	1084
Judgeship, additional, created	796
UNEMPLOYMENT COMPENSATION	
Benefit eligibility, conditions for, code section amended	852
"Benefit year", definition, code section amended	851
Disqualification for, code section amended	875
Employer, definition of, code section amended	247
Employer's coverage, period and termination of, code section amended	249
Employer's election to come under, code section amended	249
Experience rating, code section amended	238
Weekly benefit amount, code sections amended	848
UNION SPRINGS, CITY OF	
Boundaries altered	352
UNITED TELEPHONE AND TELEGRAPH COMPANY	
Joint resolution creating committee to investigate	403
Joint resolution directing committee to continue investigation of	1004
UNIVERSITY OF ALABAMA	
Appropriation	771
Appropriation, interest on endowments	816
Football game between Alabama and Auburn, joint resolution urging televising of	1094
Teachers, retired, employment of, provided for	1097
USE TAX	
Counties 80,000 to 94,000 population, levy authorized for hospital purposes	1046
Franklin County, levied	522
Limestone County, calling election to authorize levy of	446
Pickens County, calling election to authorize levy of	180
UTLEY, MRS. W. D.	
Joint resolution mourning death of	52
VAN ANTWERP, SENATOR GARET	
Joint resolution designating to serve as member of Gulf States Marine Fisheries Commission	49
VEHICLES	
See: HIGHWAY DEPARTMENT, STATE; HIGHWAYS; MOTOR VEHICLES	
VESTAVIA HILLS, TOWN OF	
Boundaries altered	1145

VETERANS

Widows of confederate veterans who are entitled to pensions, code section amended	743
--	-----

VETERANS AFFAIRS, STATE DEPARTMENT OF

Appropriation	812
Director, compensation	896

VETERINARY MEDICAL EXAMINERS, STATE BOARD OF

Appropriation	846
---------------------	-----

VOCATIONAL EDUCATION

Appropriation	778
Appropriation, Alabama vocational school for girls	628
Appropriation, vocational trade schools	776
Draper prison, state board of education requested to locate school at, joint resolution	709
Montgomery, city of, requesting state board of education to lo- cate trade school in, joint resolution	725
Trade schools, additional, authorized	940

VOTERS

See also: BOARD OF REGISTRARS; ELECTIONS; PRIMARY
ELECTIONS; REGISTRATION OF VOTERS; VOTING

Appropriation, registration of	820
Counties 56,500 to 72,500 population, reidentification of	711
DeKalb County, reidentification of	1146
Elmore County, reidentification of	433
Lauderdale County, reidentification of	226
Russell County, reidentification of	127
Talladega County, defining persons presumed to be qualified electors	254

VOTING

Counties 94,000 to 134,000 population, time of opening and closing polls	316
Counties 200,000 to 400,000 population, designating voting places and assigning voting machines or booths alphabetically	908
Elmore County, use of voting machines authorized and re- quired	435
Madison County, use of voting machines authorized and re- quired	396

VOTING MACHINES

Elmore County, use of, authorized and required	435
Madison County, use of, authorized and required	396

WALKER COUNTY

Appropriation, for support of Walker County Junior College.....	710
Bail, defining powers and authority of courts in proceedings on forfeitures of	531
Board of equalization to serve as commissioners in condemna- tion proceedings	1252
Circuit clerk authorized to issue warrants in criminal cases	532
Circuit clerk, clerical assistance, authorized	87
Cordova, city of, boundaries altered	1145
Coroner, office space, equipment, and supplies	532
Costs and charges of courts, constitutional amendment	360

	Page
Industrial development of municipalities in, constitutional amendment	289
Jury commission, compensation of members	619
Medical, surgical and hospital supplies, purchase of, exempt from system of competitive bidding	1051
Parrish, town of, repealing acts altering boundaries of	86
Police jurisdiction outside corporate limits of cities and towns upon annexation of adjoining territory, defined	1053
Purchases, certain, required to be made on competitive bids	924
Reidentification of voters	711
Superintendent of education, compensation	343
Voters living within police jurisdiction of any city or town authorized to vote at municipal elections	1053
Workmen's compensation, employees covered under	1052
WALKER COUNTY JUNIOR COLLEGE	
Appropriation, for support of	710
WATER AND WATER RIGHTS	
Marion County, public corporation to sell, creation of, authorized	465
Pollution of public waters, joint resolution creating committee to study problems of	1206
Public corporation in each county to sell, creation of, authorized	1186
WATERWORKS	
Cities and counties, powers with respect to waterworks systems, code sections amended	1127
Cities authorized to acquire, operate, and extend whether within or without corporate limits, code section amended	1217
Dallas County, Selma waterworks commission, act creating amended	225
WEBB, MARGARET	
Jefferson County, relief of	407
WELFARE	
See: PUBLIC WELFARE; PUBLIC WELFARE, STATE DEPARTMENT OF; PENSIONS AND SECURITY, STATE DEPARTMENT OF	
WEST VIRGINIA	
Southern regional education compact, joint resolution providing for admittance into	257
WHEELER, GENERAL JOSEPH	
Joint resolution requesting U. S. postmaster-general to issue a commemorative stamp in honor of memory of	35
WHITE HOUSE OF THE CONFEDERACY	
Appropriation	820
WHOLESALESA	
Sale at wholesale or wholesale sale, definition of, for purposes of sales tax, code section amended	645
WILCOX COUNTY	
Circuit clerk, clerk hire allowance	477

	Page
Court of county commissioners, compensation, act amended.....	484
School, attendance of children at, regulated	462
Sheriff, additional deputy authorized	1144
Solicitation of membership in certain organizations, regulated	548
Tax assessor, clerk hire allowance	477
Tax collector, clerk hire allowance	477

WILLS AND ADMINISTRATION

Probate jurisdiction, certain persons in service of federal government deemed to be residents of Alabama for purposes of.....	1196
---	------

WINSTON COUNTY

Ad valorem taxes for school purposes and for public hospital and health services, constitutional amendment	745
Board of revenue, created	327
Building leased from public building corporation, authorized to sublease space in	725
Court of county commissioners, abolished	327
Gasoline tax, state, regulating use of proceeds apportioned to.....	723
Highway board, abolished	327
Judge, circuit, compensation	380
Judge, circuit, compensation, act amended.....	954
Law and equity court, established	553
School bus driver under twenty-five years of age, board of education prohibited from employing	1054
School bus drivers, minimum salary	1054
School buses, board of education required to cause heaters to be placed in	1054

WITNESSES

Baldwin County, payment of witness fees regulated	460
Clarke County, criminal cases in the inferior court, manner of registering and paying claims	958
Counties 73,000 to 93,000 population, payment of witness certificates, act amended	952
Depositions of, upon oral examination for discovery or use as evidence, taking of, provided for	901
Perry County, criminal cases in the county court, manner of registering and paying claims	348

WOMEN'S ARMY CORPS DAY

Joint resolution recognizing May 14, 1955, as.....	217
--	-----

WORKMEN'S COMPENSATION

Counties 94,000 to 134,000 population, certain employees covered under	163
Death compensation, code section amended	864
Employer's right to insure risks, code section amended.....	870
Limitations on compensation, code section amended	874
Medical, surgical and hospital service, code section amended.....	853
Order in which total dependents take compensation, code section amended	849
Schedule of compensation, code section amended	855
Second injury trust fund created in connection with, act amended	866
Waiting period in temporary disability claims, code section amended	850
Walker County, employees covered under	1052

WRIGHT, COLBERT R.

Relief of	620
-----------------	-----